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NO. LXXXVII.

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ment. No. III.*
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THE past and the present of Orissa Proper or Cuttack, is a subject which possesses at the present day a strong and a peculiar claim on our attention. Beyond that interest which intrinsically belongs to this ancient and important province, the interest which the historian, the statistician, and the politician, evince in the decay of old and the development of new institutions, the famine which is devastating every part of that province has invested it with a new and a fearful interest.

Orissa Proper or Utkala Desa, as the "*Skanda Purana*" at the head of this paper calls it, formerly reached on the north to Tumlook, and on the south to the Rasykoyla river, as far as Ganjam, on the east to the river Hooghly, and on the west to Sumbulpore. It was originally peopled by the *Odra* tribe, which subsequently expanded into the Ooria nation, that carried their name and language over an immense tract of country, embracing the modern districts of Cuttack, Midnapore, Ganjam, Vizigapatam, Hooghly and Rajmundry, but on the annexation of Orissa to the Mogul

Empire during the reign of Akbar, Midnapore Hooghly and the other dependent mehals were separated from it, and amalgamated with the soubah of Bengal.

According to Puranic authorities Utkal K'hand is the most favoured region of the earth. It is declared to be the seat of the Rishis and Mohurshis, Gondhorbus and Devatas. It abounds in temples, and is redolent of sanctity. It is an entire *Tirth* or sacred place. It is the one spot in the Kaliyuga which is dedicated to the gods. It is the favourite abode of holy Brahmins and learned Pundits. It is an *oasis* in the vast and illimitable desert of sin. Bhardnaiya Moni thus describes it to his pupils:—"Of all the regions of the earth, Bharata K'hand is the most distinguished, and of all the countries of Bharata K'hand, Utkala boasts the highest renown. Its whole extent is one uninterrupted *Tirth* (place of pilgrimage). Its happy inhabitants live secure of a reception into the world of spirits, and those who even visit it, and bathe in its sacred rivers, obtain remission of their sins, though they may weigh like mountains. Who shall describe adequately its sacred streams, its temples, its khetrs, its fragrant flowers and fruits of exquisite flavour, and all the merits and advantages of a sojourn in such a land? What necessity indeed can there be for enlarging on the praises of a region, which the Devatas themselves delight to inhabit?"

Orissa owes its classic celebrity purely to its sanctity. It is the great place for pilgrimage. What Jerusalem was to the Jews, what Mecca is to the Mahomedans, Pooree is to the Hindus. When in 1580, Siva Jey Sing, the generalissimo of Akbar, conquered the country for his master, he was dazzled by the grandeur of the place, and exclaimed that the country was not a fit subject for conquest and schemes for human ambition, but belonged only to the gods. The Oorias, like the Bedouins and the Peruvians, worshipped at one time the sun, and the magnificent remains of the Black Pagoda or the shrine of the sun, of temples and minars, of grand palaces and colossal figures in a state of dilapidation, with which Orissa is studded, attest her departed greatness. The shrine of the grim Juggurnath attracts, during the Ruth Jattrā, or Car Festival in July, thousands of men from all parts of India. Originally an incarnation of the Bhuddist faith, Juggurnath has been long impressed into the service of Hinduism, and has now become an object of devout worship. According to the *Kapila Sanhita* and the *puthies* of the *pandas*, Juggurnath had, from time immemorial dwelt on

the *Nila chala* in the form of *Nil Madhaba*. The reputation of this incarnation was world-wide, and moved the Maharajah of Oujein to proceed to Orissa and offer his adorations to him. He accordingly marched to the spot with a large following, but on his arrival, his Highness was grieved to learn that *Nil Madhaba* had left his earthly abode. This sad intelligence overwhelmed the Maharajah with affliction, until consolation came to him in the shape of a vision of the god. The vision told him, that although he had abandoned his former image, he would soon re-appear as a new *avatar*, even that of the *Daru Brahmá*. The vision had scarcely vanished into thin air, when a messenger came and informed him that he had seen a *Daru* or log of wood of the Neem tree floating to the shores of *Pursoltem Chetr*, decorated with the *Shankah*, *Goda*, *Pudma*, *Chakar*, being the several emblems of *Vishnu*. This message poured balm into the bruised mind of the Maharajah. He ran to the sea-shore, and was entranced with the beautiful and the divine appearance of the log. He prostrated himself before it, and after offering to it his heartfelt adoration, he deposited it in a temple. *Bishukerma* was then as now the chief architect of the *Devalas*. Him the Maharajah employed to carve and mould the sacred *Daru* into the image of *Vishnu*, but no sooner had *Bishukerma* touched it with his axe, than it split of itself into the images of *Juggurnath*, *Bulloram*, and *Suvodra*. The Maharajah then erected a magnificent temple and placed the images there. He inaugurated the new worship with the greatest *éclat*, and in the presence of *Indra* and his court. With the establishment of that worship commences a new era of Hinduism. Since that period, Orissa has acquired a celebrity such as neither Benares nor Brindaban can boast of. It was in Orissa that the Hindu reformer, Chaitanya, after having travelled for six years in Brindaban and other places, settled and remained twelve years, worshipping *Juggurnath* with all the intensity of his nature. Greater merit is attached to the worship of *Juggurnath* than to that of other *Devalas*, because *Juggurnath* is identified with *Brahmá* or the Great Power, the Creator and Preserver of the Universe. The following passage in the legendary account of the temple, and frequently quoted by the Ooria pandas attached thereto, will support this view.

"Hear now the truth of the *Daru Avatar*," (the appearance of the deity in the form of the Neem tree log).

What part of the universe is there which the divine spirit "does not pervade? In every place it exults and sports in

"a different form. In the heaven of Brahmá it is Brahmá; at Kylas it is Mahádeo; in the upper world it is Indra; on the face of the earth it is to be found in all the most renowned Khetrs, at Baddriká, as Badrinath; at Brindabun and Dwarka as Krishna; at Anjudhya (Oude) in another shape; but in the Khetr of Pursottem it appears in its true and sacred form."

This "true and sacred form" is a very grotesque one, and a very distant approximation to the human form. But the intelligent pandas try to explain away this deformity by arguing that they worship in Juggurnath not any inferior Devata, but Brahmá or the great spirit, and that the images are shapeless or rather hideously shaped, because the *Vedas* describe the supreme Being as *niracar* or formless, and that the hideous countenance is assumed to frighten people into being virtuous. Juggurnathism, whether it be a federative religion or not, has however one merit; it maintains the pre-eminence of faith over caste, and teaches that divine mercy regards neither tribe nor family. It scouts the distinctions of caste as violations of the laws of God, who intended that all men should be equally entitled to enter his kingdom. It therefore permits the Brahmin and the Chundal to eat off the same plate. The *mohaprosad*, or food prepared for, and dedicated to, Juggurnath, is considered very satisfying and sanctifying. It is often partaken by men of different castes, under the same roof, and at the same table. But whatever Juggurnathism may be in theory, it has degenerated in practice into a gross and demoralising idolatry. The abominable exhibitions which take place annually during the *Ruth Jatra*, afford a melancholy illustration of the prostration of mind caused by superstition.

The religion of the people and the conformation of the country have alike conspired to render it the most backward province in the British Empire, the real Sleeping Hollow in the dominions of the Queen. Though rich in sanctity, it is poor in regard to its natural productions. Its supposed spiritual wealth is more than counterbalanced by its real temporal poverty. Cursed with a sterile soil, its products are of an inferior quality. It produces little beyond what is required for local consumption; and that little cannot be utilized by exportation for want of roads. Immersed in the darkness of superstition and ignorance, deprived of prolific sources of production and of extended means of intercommunication, the inhabitants of Orissa rank very low

in the moral, mental, and social scale. They are described by the author of the "Ain Acberi" to be a very effeminate and stupid nation. Indeed, as regards want of manliness what the Bengalees are to the inhabitants of the Upper Provinces, the Oorias are to the Bengalees. Deficient both in spirit and intelligence, they may well be denominated the Boetians of Bengal. The circumstance of all the public offices being held by Bengalees, affords conclusive evidence of their intellectual inferiority. They are not only a timid and ignorant but a dissolute race. This combination of vices is, in a great measure attributable to the debasing and demoralising religion which they profess. The Utkala Brahmins from whom the class of pandas or temple priests is recruited, the Beds or Vadya, the Maini or writer class constituting the upper ten thousand of the Ooria community, are distinguished by their national vices. But the mass of the agricultural population are industrious and comparatively virtuous, though they are equally wanting in spirit, intelligence, and enterprise.

Yet Orissa has not always been what it is now. Three centuries ago, it was the seat of a prosperous and powerful monarchy, inhabited by an industrious population, and teeming with the varied productions of nature. The banks of the Mahanuddee were studded as thickly with evidences of wealth and civilization as those of the Ganges, but the country collapsed and crumbled to dust beneath the blows of foreign conquerors. Moslem and Mahratta domination converted this garden into a wilderness. Alternate drought and inundation, resulting in pestilence and death, have aggravated the evils of misgovernment. On the 14th of October 1803, Lieutenant-Colonel Campbell conquered Cuttack for the British Government. Lord Wellesley, the then Governor-General, determined on administering the new conquest not according to the revenue system inaugurated by Lord Cornwallis, but according to the system of periodical settlements for eleven years as a basis for a permanent settlement thereafter, "according to the Regulations in force for the settlement and collection of the public revenue in the province of Bengal with certain modifications and exceptions."

In Orissa Proper, as in the rest of Bengal, rice is the great staple food, and the principal article of produce. The grain is coarse but nutritious. It is regarded as far inferior to the best *balam* of Bengal. The two great rice crops of Orissa are denominated the *sarod* and *beali*. The *sarod* is sown in June, when the rains set in, and is harvested in December. The *beali* is sown also in June,

but is reaped in the middle of September. It requires higher land which becomes available for the growth of the *rubbee* crops in the cold weather. Of these crops the *mashkali*, *chinmikhassari*, *moogh*, *bajra*, and *sorsah* are the principal. Sugar-cane, tobacco, and cotton are very abundant, but the produce is of a very inferior description. Indigo, mulberry and poppy, which have largely contributed to the agricultural wealth of Bengal and Behar, are unknown in Orissa. Even the common betel-vine or *pan* was not known to the Oorias till the culture of it was introduced amongst them by some Bengalees during the Mahomedan administration. Both soil and climate are no doubt unfavourable to the growth of the most valuable products of agriculture, but much of the apparent inferiority is to be attributed to the general poverty and the dense ignorance of both the ryots and zemindars of Orissa. They are as yet innocent of that knowledge of the principles of agriculture, which can alone turn their properties to the best account, and would exert the most beneficial influence upon their prosperity. "Perfect agriculture," says Leibig, the profoundest of modern agricultural chemists, "is the true foundation of all trade and industry,—it is the foundation of the riches of states. But a national system of agriculture cannot be formed without the application of scientific principles, for such a system must be based on an exact acquaintance with the means of nutrition of vegetables and with the influence of soil and the action of manure upon them."

The practice of sub-dividing estates has also been instrumental in checking the development of the agricultural resources of this province. It has been carried to such an extent, that there are some estates in Cuttack on which the Government demand is no more than a few annas. The evil has been intensified by that of short settlements. The history of these settlements is the history of Orissa during the British administration. They afford the real clue to the present condition of the people, and therefore demand a lengthened description, which we shall presently attempt to give.

The province contains three chief towns, namely, Pooree, Balasore, and Cuttack. Pooree is the growth of Juggurnathism, and derives its importance from its connection with the temple. It contains more than six thousand houses, and its streets are lined by *mutts* or religious establishments. It abounds in filth and is periodically crowded by pilgrims, but its suburbs are beautified by gardens and tanks, and are considered very salubrious.

Balasore is not a compact but a straggling town. The population may, on a rough calculation, be estimated at twelve thousand souls. Balasore is the principal port of the province, and is provided with dry docks; it was at one time the seat of manufacturing and commercial activity, carrying on a considerable trade in sennas and muslins, oils and drugs. It owed its importance to the facilities of its position for carrying on commerce with Bengal.

Cuttack may be regarded as the representative capital of the province. It contains a population of about thirty-five thousand souls, and boasts of several brick-built and stone houses. It is provided with several large and commodious bazaars and chowks called after the classes who reside in their vicinage; such as the Ooria and Telinga bazaars. The Chandney Chowk is however the best of them. It is also studded with temples dedicated to Ram, Krishna, and other divinities.

The manufactures of these towns are very inconsiderable. The calicoes of Balasore which were once much prized, are no longer in demand, and the manufacture has almost ceased. The filigree silver works of Cuttack are however still valued and evince great elegance of design and fineness of finish. Coarse dhooties only are manufactured for local consumption. Piece goods, silk and everything in the shape of luxury are imported from Bengal Proper, but in small quantities, and chiefly by the inhabitants of the chief towns and their suburbs. One principal reason why the manufactures as well as the agriculture of this province are at such a low ebb, is to be found in the narrowness of the wants of the people. They produce little, and consume little. They do not need much, and their motives to exertion are but few. Dhooties and Chadders constitute their wardrobe, Dâl and Bhât their food, and Handees and Lotâs their furniture. The belongings of the rajahs and poligars may embrace more articles, but even their style of living is exceedingly primitive. Another cause of the stagnation of agriculture and commerce is the state of isolation in which the Oorias live. The want of intercommunication and the consequent difficulty of conveying the produce have materially interfered with the development of the resources of the country. Agricultural improvements would be useless, where the surplus produce would be valueless, because it would not pay to convey it to the market.

We now proceed to speak of the settlement of the land revenue of this province. We have already said that short

settlements have been her curse. Though the evils incident to them, have, in a considerable degree, been mitigated by the 'Thirty Years' Settlement of Mr. A. J. Moffatt Mills; yet we have no hesitation in declaring our conviction that the postponement of the Permanent Settlement has been very disastrous, and a prolific source of heart-rending misery. It appears that when the first settlement was effected, the standard proposed for adoption was the average of the Mahratta gross collections of preceding years, *minus* certain illegal cesses; but this proposed average was in point of fact exceeded, and the sudder jumma was unjustly enhanced, and unequally distributed, without any reference to the circumstances of the estates or the amount of their actual assets. The evils arising from the enhancement of the total assessment and its unequal distribution attracted the attention of Government in 1817, and Mr. Walter Ewer was deputed to report on them and suggest the best means for remedying them. He submitted his opinion in the following terms:—"I cannot think that Government need look to any material diminution of the land revenue from the inability of the district to pay the whole jumma, but I believe that great inequalities exist, and that the assessment does in reality press heavily on many of the poorer and less industrious zemindars." In 1818 the discontent caused by the settlement ripened into disaffection. The Honourable Court of Directors recorded the following opinion:—"The comparison of the above statements and opinions on the subject of the assessment of the land revenue compels us thus far to acquiesce in the conclusion, that *Khoordah* and the other resumed lands of Rajwarrah had indisputably suffered an extreme pressure of over-assessment prior to the breaking out of the late insurrection, while in the very nature and circumstances of the assessment was combined a number of heavy unaccustomed evils to the whole population, both military and agricultural, of those estates, and that there is strong reason to fear that the rest of the province has also suffered from the pressure of over-assessment, though not in equal degree, nor with similar collateral evils."

In 1833, Mr. Wilkinson measured and settled the *Khoordah* estate. In the following year Mr. Ricketts effected the settlement of Noanund, a large pergunnah in Balasore. But the necessity of adopting systematic measures for remedying the evils of Short Settlements and acquiring correct information regarding the actual produce and rent of estates, of ascertaining and securing the just rights of the

ryots, and of equalizing the distribution of the burden of taxation, was not recognised till 1836. In that year operations connected with the measurement and settlement of estates were commenced. The settlement of the whole province was conducted in accordance with the principles prescribed in Regulation VII. of 1822. It embraced an investigation into the area and boundaries of estates, the nature and character of tenures, and the rights and privileges of the ryots. Deputy Collectors were first appointed to demarcate the boundaries of estates, and decide the boundary disputes. The *Thakbust* being thus completed, a scientific survey was held, and maps and papers were prepared for the guidance of Settlement and Resumption Deputy Collectors, who performed their respective duties under the supervision of the Collectors and Special Deputy Collectors. The claims to Lakhiraj or rent-free tenures in the whole province numbered 277,925, but were on the whole satisfactorily disposed of. The inquiry was carried on in a spirit of great moderation and strict impartiality. The process of conducting it is thus described by Mr. Mills:—

“On the receipt of the field-book, the Deputy Collector commenced operations. It was his first object to prepare a ‘teridy’ of the Lakhiraj claims, which he sent to the Collector to number and register. When the registry had been made, he instituted the suits and invited the attendance of the Lakhirajdars with their receipts (for without the receipts the sunnuds were not traceable). He then called on all the holders of under-tenures, *viz.*, Mokuddums, Surburakars, Pudhans, Porrsuties (and in certain estates some or other of these holders were most numerous) to show and prove their rights and interest in each case. While this examination was in progress, ameens were deputed, under the personal inspection and responsibility of the Deputy, to fill up the columns headed ‘Soil and Crop’ left blank in the field-book. When this enquiry had been completed, and considerable progress made in disposing of the claims of Lakhirajdars and intermediate holders, the Deputy Collector proceeded to enquire into the real assets of each village, and make the Jumma bundee of the Khalsah and resumed lands, by defining the rent to be paid by the resident ryots, *viz.*, by the Thannee ryots, by the Chandinadars, by the Kurridadars of the first and second class, and finally by the ex-Lakhirajdars, for their several holdings, interchanging pottahs and kabulents with each of them to pay the rent imposed thereon. This his first object being attained, he

“next proceeded to classify and assess the nijchas, pahee and other cultivated and culturable lands *en masse*, thus arriving at the aggregate jumma which the village should pay. The process was undoubtedly tedious and expensive, and it was more than once proposed to introduce the system of making settlements pursued in the Upper Provinces, but no officer conversant with Cuttack revenue affairs countenanced the proposition. The plan was discussed at a conference at the Board in 1841, and wisely abandoned as impracticable. Mr. Commissioner Ricketts expressed his opinion on the subject in 1838, in the following words:—

“The more experience I acquire, the more convinced I am that the aggregate to detail system is impracticable here. The Board has now seen enough of Cuttack settlements to judge what sort of a settlement it would be, if all the relative rights of Khureedadars of the first class, Khuree-dadars of the second class, Mokuddums, Surburakars, and Thannee ryots, were to be left unadjusted, and I rely on their not proposing any alterations in the detail of the proceedings.”

“In the Operation Report of 1840-41, I recorded my opinion as follows:—‘It was agreed at the conference that any alteration in the present system of making the settlements, and of preparing these papers (settlement records) was unadvisable; and abounding as Cuttack does with such a variety of undertenures, I think the aggregate to detail system of the Upper Provinces could not well be introduced, and sure am I that its introduction would cause great and general dissatisfaction to the country, while as regards the rents to be paid by the ex-Lakhirajdars, Khureedadars and others, who before held their lands at a quit rent, or free of rent charges, it would, in practice, be found to retard the settlement operations; the settlement officers must fix the rents to be imposed on these holdings.’”

The settlement officers obtained reliable information of the rent actually received by zemindars from their ryots in every village. They classified the different descriptions of the soils with their respective rates of rent, with reference to their produce and situation on an average of years. They also compared the rates of land of the same quality in adjacent villages. They then proceeded on these data to determine the rent actually paid. No difficulty was experienced in ascertaining the actual rent by the Thannees, corresponding to the Khoodkostha ryots of Bengal Proper, because it

was well known that they were generally assessed at a much higher rate than the produce of their fields or any advantages of their residence could warrant. But it was very difficult to ascertain the rents paid by the Pahees, occupying in Orissa the same position as our Pycusta ryots, because the *lawah-Junma* papers of the zemindars understated them. The settlement officers assumed the Pahees' average at 4 annas in the rupee, lower than the rates actually assessed on the Thannee lands. The Mokuddums or the village proprietors who paid through a superior landholder were enjoined so to pay until they could prove the right to separation in a court of justice. The allowance fixed for them was twenty per cent., and in exceptional cases twenty-five per cent. The zemindar was allowed fifteen per cent. on the Mokuddummy jumma. There is a class of farmers in Orissa who are called Surburrakars. They are very much like the Izardars of Bengal. The Settlement Officers recognised and confirmed the Surburrakaree tenure. To the *Mourasee* or hereditary Surburrakars was allowed a deduction of twenty per cent. from the gross assets, and to the temporary Surburrakars a deduction of ten per cent. The zemindar's Mallikana was first limited to thirty per cent., but in January, 1840, thirty-five per cent. was fixed as the minimum with permission to accept it in exceptionally favoured cases.

This settlement which was effected in 1836, has well answered its objects as set forth in the fifty-third paragraph of Mr. Mill's Operation Report in 1813-14, which were "to ascertain the area of each estate and the valuation of the land, to equalize the assessment which had been fixed and augmented at hazard, without any reference to the capabilities of the mehals, and which pressed with much severity on many of the poor zemindars to fix the boundaries of estates; to decide all disputes relating to them on the spot; to settle all questions of rights and tenures between landlords and tenants; to test the validity of the multitudinous rent-free tenures,—a task which few hoped to see achieved." The operations here indicated have been satisfactorily performed. Each *pergunnah* and *mouzah* has been measured and surveyed, an infinite number of claims to Lakhiraj tenures have been adjudicated, the rents of the Khoodkostah ryots have been fixed, and the rights of all classes of under-tenure holders have been carefully investigated and distinctly recorded.

The Thirty Years' Settlement thus effected is, no doubt, a great improvement upon the previous Short Settlements, and

has, in many respects, proved a blessing to the people. But it has not prevented the great evil incident to periodical settlements, *viz.*, periodical famines. It has not stood the test of all seasons. In 1834-35, the country was laid waste by inundation, and rupees 1,86,942 of the revenue of the province was remitted. In 1837-38, a similar calamity occurred, calling for a further remission of rupees 5,87,146. In 1842-43, the province a third time suffered from an early cessation of the periodical rains, when rupees 4,86,625 of the revenue were remitted. Again in 1844-45, the lands bordering on the River Subernica were flooded, and the Collector proposed remissions to the extent of rupees 10,365, but the Board refused the indulgence. In 1845-46, a similar inundation occurred, and the Government remitted rupees 11,587, of the sudder jumma. In the same season a large portion of the districts of Cuttack and Pooree severely suffered from a similar cause, and the Commissioner took upon himself the responsibility of remitting a moiety of the public demand.

But all these calamities culminated in the famine which broke out with terrible severity in May last, and which is still devastating the province. The rice-crop, as we have before said, being the main crop, its failure is invariably the precursor of famine. The harvests of 1863-64 were so abundant, and prices were so high, that the Oorias had exported their surplus stock,—a million and half of maunds from Balasore alone. The Autumn-crop, the only crop grown in the district, failed in 1865. In that year, the rains ceased early, and this cessation caused a loss of one half of the average yield of that crop. After the second week of September, there was no heavy shower, and this aggravation of the drought was immediately attended by the most disastrous effects. There being but little moisture left in the ground, the paddy could not arrive at maturation. Symptoms of coming distress first manifested themselves in Malwood and Pareekwood, two estates in the Pooree District, on the tongue of land running between the Chilka Lake and the sea. On the 14th November 1865, the Commissioner of Cuttack reported that great distress prevailed in that tract. On this the Lieutenant-Governor directed that work should be provided for the inhabitants of Malwood and Pareekwood by sending one lack of maunds of Curentch salt to Chittagong, and in the Public Works Department placed the sum of rupees 69,000 at the disposal of the Superintending Engineer for the expenditure

upon the Cuttack and the Ganjam, and Cuttack and Pooree roads. His Honour also placed rupees 5,000 from the Government Estates' Improvement Fund at the disposal of the Collector of Cuttack to enable that officer to afford employment to the destitute in works for the improvement of the Government Sathparah Estate. The Collector, satisfied that the means thus placed at his disposal were adequate to meet the wide spreading distress, and utterly failing to realize its growing magnitude, wrote that "for the present, at any rate, he did not consider any further remedial measures on the part of Government necessary." But soon after this, he was obliged to apply for further aid to enable him to commence operations on the Khoordah and Piplee Road, and obtained ten thousand rupees from the Government Estates' Improvement Fund.

At about this time, the Lieutenant-Governor visited "neglected Orissa." On the 17th February, His Honor held at Cuttack a durbar which was attended by twenty rajahs of mehals, eighty zemindars, and the covenanted and uncovenanted officers of the districts. Sir Cecil Beadon delivered to the assembled chiefs a suitable address impressing upon them their obligations to their ryots, and pointing out to them the beneficent acts of Government. He dwelt also on the advantages of irrigation and the tendency of rents, wages, and prices to rise with the prosperity of the province. His remarks on the advantages of free trade in mitigating the effects of famine were not however appreciated by men who regarded the exportation of rice to Europe as the chief cause of the calamity that had overtaken them. In announcing that new settlements would be made, he promised that the assessment should be light, and in no case bear a greater proportion to the present value of produce than the thirty years' settlement, and probably much less. He also promised them a college as soon as the district should be ripe for it.

No sooner was the back of the Lieutenant-Governor turned, than the scarcity of food prevailing in particular spots swelled into a wide-spreading famine. It soon assumed formidably gigantic proportions, demoralizing and decimating the province. It has since disintegrated all the loosely-jointed elements of this neglected country, and introduced confusion and anarchy. It has communicated a tremendous shock from which years of plenty and progress can alone enable her to recover. But official eyes were at first blind and would not recognize the existence of the gigantic calamity. Mr. T. Ravenshaw, the Commissioner, and Mr. Shuttelworth, the

Superintendent of Police, were both mistaken in supposing that local efforts would suffice to meet the visitation. It is this grievous mistake which has caused the Orissa Districts to be engulfed by the tidal wave of starvation and crime, disease and death. They spoke of the famine as a temporary scarcity, because their official vision was limited by the horizon of their little sadder stations. At last the officialism of the Commissioner melted in the fire of the universal suffering; he began to see things in a clearer light. On the 2nd May, he drew a picture of the horror stalking over the length and breadth of the land. "The starving and dying absolutely swarm in the station and villages, either dying of cholera, dysentery or hunger, or picking up a bare subsistence by begging. Pinched by hunger and disease, as soon as a door to relief is opened, the rush of applicants is so great, as nearly to overwhelm the persons appointed to distribute food. I went myself and witnessed such a scene as will never be effaced from my memory, and, in subsequently attempting to distribute a bag of pice I had brought for the purpose, I was so mobbed as to be unable to move. The money was snatched from my hands, and the poor creatures even dragged the pice from my pockets; the crowd getting so thick, they absolutely lay one on the other in a writhing mass of disease and distress, as painful to witness as it was impossible to relieve." The Board apparently disregarded this report, for it did not see light till the 4th June. They did not take any action up to 28th May, notwithstanding, as they themselves admit, they had noted symptoms of distress as far back as October last. "In the three months ending 31st October," observe the Board, "the excise revenue, which is an index of the prosperity of the people, showed a falling off." In November they instituted inquiries, and learnt that great suffering, though not generally famine, was in store for the people. But they added that the "opinion which they had then offered was avowedly based upon most imperfect information." Why was the information received so "imperfect?" What were the local officers about? And if they could not supply reliable information regarding such a vitally important question as the means of sustenance of the people for six months, of what earthly use were they? Far be it from us to question the humanity of the local officers, but there is no doubt, they have evinced a want of foresight and of capacity to grapple manfully and successfully with the crisis which has in no inconsiderable degree aggravated its effects. In

truth it is they who have misled the higher authorities and the Government. We learn from the records of the Government that, "from Cuttack and Balasore up to the 11th May, beyond accounts of the marked increase of crime owing to scarcity, no reports had been received showing that anything like famine existed, or that those in danger of starvation could not be relieved by the funds raised by private charities, and administered by the Relief Committees which had been established both at Cuttack and Balasore. But on that date a report was received from the Commissioner setting forth the destitution that prevailed, and asking for a contribution from Government in aid of the Relief Funds which had been organised."

It was not till the 27th May that a letter was received from the Commissioner of Cuttack, enclosing one from the Collector of Pooree, representing that a marked change had taken place in the position of affairs, and praying for assistance from Government. But we cannot hold the Board of Revenue as entirely blameless in the matter, or regard it only as the victim of official misrepresentation. They endeavour to justify their inaction by urging that until May last there was nothing like famine in Orissa, and state that "great uneasiness there was and even suffering, but till towards the end of May, prices were not very much higher than in many parts of Bengal." But the correctness of this statement is not borne out by the table, which they themselves give in their preliminary report on the Land Revenue Administration of 1865-66, of the number of seers of eighty tolahs each of the cheapest kind of rice in ordinary use, procurable for a rupee in each district in Orissa throughout this period.

WEEK ENDING.				BALASORE.	CUTTACK.	POOREE
6th	January	...	...	14½	15	14½
13th	"	...	...	"	"	13½
20th	"	...	...	"	13	13
27th	"	...	...	12	"	10½
3rd	February	...	...	11	12	8½
10th	"	...	...	12	10	8½
17th	"	...	...	10	9	"
24th	"	...	...	"	10	9½
3rd	March	...	...	10½	"	9½
10th	"	...	...	"	"	"
17th	"	...	...	11	"	8½
24th	"	...	...	"	"	"
31st	"	...	...	8	9	"

WEEK ENDING.					BALASORE.	CUTTACK.	POOREE.
7th	April	...	...	...	8	8	7½
14th	"	...	...	...	"	"	6½
21st	"	...	...	...	6	6½	8½
28th	"	...	...	...	"	6½	6½
5th	May	...	...	...	"	7½	"
12th	"	...	...	...	"	"	"
19th	"	...	...	...	"	"	7
26th	"	...	...	...	7	6	6½
2nd	June	...	...	...	6½	5	6½
9th	"	...	...	...	7	"	6½
16th	"	...	...	...	6½	"	5½
23rd	"	...	...	...	"	4½	6
30th	"	...	...	...	5½	4½	"
7th	July	...	...	...	5½	"	6½
14th	"	...	...	...	6½	"	6½
21st	"	...	...	...	"	4½	5½
28th	"	...	...	...	6½	5	"

Our readers will remember that rice has been dirt cheap in Orissa,—12 annas a maund being the usual rate. Its recent rise was unprecedented, and should have attracted, long ere this, official attention. During the last two years, the rate rose a little higher than the normal rate of 12 annas a maund, but it did not exceed rupees 1-4 a maund. In the month of January last, the price was about rupees 3 a maund in Balasore and Cuttack, and a little higher in Pooree. In February, it rose to rupees 4 in the first-mentioned two districts, and rupees 5 in the last-mentioned district. Did the Board take any steps to meet the fearful crisis which was fairly approaching? Were they not bound to give serious attention to so grave a possibility, and adopt such precautionary measures against its occurrence as might be prudent and feasible? But they failed to anticipate thus early such a possibility, and were consequently unprepared for that prompt and decisive action by which this great calamity should have been met when the time of need came.

In April the price rose still higher, and rice became very scarce. It sold in Balasore at 9 seers, in Cuttack at 7, and in Pooree at 6½ seers to the rupee. But April also passed away, and the Board did not make any sign. Now came the terrible month of May. The public were extremely anxious, a general meeting was suggested; but the Board discouraged such a demonstration, while their Secretary,

Mr. Chapman, wrote to the newspapers to say that public contributions were not wanted.

The press and the public were however fully able to realize the magnitude of the crisis, and pressed upon the authorities the necessity of taking immediate action. The *Friend of India* and the *Hindoo Patriot* gave no uncertain sound, but their warnings were disregarded like the prophecies of Cassandra. The *Hindoo Patriot* from its position as the representative organ of the Hindoos had peculiar sources of information, and was one of the first to draw public attention to the subject. In the beginning of March it published an appeal to the public, addressed by Baboo Ramo Khoy Chatterjee, the energetic Deputy Magistrate of Pooree, who wrote as follows:—"Starvation in its literal sense is to be seen in every part of the district. When such is the state of things seen during the harvest season, it is impossible to imagine what disastrous consequences will follow in a short time." Soon after this Baboo Ramo Khoy Chatterjee addressed to the writer of this paper a letter on the same subject, which was pervaded by the same tone. We make the following extract from it:—"Hitherto the people have had to suffer but partially from the scarcity of food; but now what we call famine has appeared in all its horrors. The causes of this calamity here are said to be, 1st, the discontinuance by Government of the manufacture of salt, and, 2nd, the failure of rice crops last year."

The *Friend* was one of the first to impress upon the public the necessity of affording organized relief to the famine-stricken population of Orissa. On the twelfth of April last, it urged "the evident necessity for a general but a small subscription in Calcutta and Bengal, for all the sufferers of Orissa and Ganjam," and trusted "the Chamber of Commerce and its active Secretary, ever foremost in a work of benevolence, will at once organize the movement." We could have wished this appeal had been promptly and cordially responded to.

On the 22nd May, Messrs. Sykes & Co. addressed a letter to the Editor of the *Friend of India*, containing a communication from Mr. Miller, giving the following mournful details:—"When I entered the town, I was horror-struck by the number of lying skeletons in the shape of many women and children seen prowling about in search of food, and actually turning up with their hands the gravel and dust in front of shops in the hope of finding grains of rice or anything in the shape of food, which might be concealed,

"Nothing eatable, however filthy and offensive, is rejected. I saw one youth in the act of eating grass, a mode of trying to satisfy the gnawings of hunger which I hear is now commonly resorted to. The first victim of this fearful visitation I saw, was an elderly female lying in the street, opposite a wealthy *mut*, just about to breathe her last. The next was a man lying with his face to the ground, so reduced as to be unable to move or speak. My attention was then directed to a lad asleep in the road near the rajah's residence; he was a complete skeleton; every bone was visible; he seemed unable to rise or speak. After several attempts he succeeded in the faintest voice 'inaginable to tell where he came from. Not far from this youth I found a mother seated by her son. She was blind and much enfeebled; he who had evidently been a tall strong man, was reduced to a skeleton and lay on his back, perfectly helpless. I arranged to have food supplied to them for a week. After two days they both died. On the south of the temple I came up to what appeared to be a corpse. On inspection, signs of life were perceived. After being aroused, a grey-haired old man, fearfully emaciated, managed to breathe out the name of his village. Near the south-east corner of the temple, I found a large crowd of hungry emaciated men, women and children, crying out in the most touching manner for food; the bony deformed bodies, and pinched up, extenuated, and unnatural countenances of most of them, with their vehement cries for help, told a tale of protracted abstinence from food and intense suffering, which would have melted a heart of stone."

The Chamber of Commerce having urged upon the Government the propriety of applying to the relief of the famine-stricken people the balance of the North-Western Famine Fund lying in the Government Treasury, and the Lieutenant-Governor of Bengal having supported the proposition, the Government of India at first placed two lakhs at the disposal of His Honor. Intimation of this grant was conveyed by telegraph to Sir Cecil Beadon on the 21st May. His Honor at once assigned rupees 10,000 to the Relief Committees of each of the districts of Cuttack, Pooree, and Balasore. Instructions were given for the judicious and economical expenditure of these funds, and the Board were empowered to expend a further sum of rupees 15,000, if necessary, in buying grain where comparatively cheap, and conveying it to the distressed districts. The Board however would not see the hand-writing on the wall, and thought it unnecessary

to avail themselves of this permission. But on the 28th May, the Board received the following telegram from the Commissioner of Cuttack :—

“Rice with the utmost difficulty procurable in sufficient quantity at four and half Cuttack seers per rupee. Bazaar partially closed. Only one day's rations in store left for troops, who are reported discontented. Commissariat has refused assistance. Crime increasing daily. Public Works and Relief works stopped for want of food.”

It being now imperatively necessary to send down rice, the Lieutenant-Governor instructed the Board to do so without a moment's delay, and placed at their disposal for the purpose the full two lakhs granted by the Government of India. The Board had now no other alternative than to perform their duty. They accordingly despatched the steamer *Court Hey* with 6,000 maunds of rice on board, and the ship *Jacques Forrestier* with 17,000 maunds in tow, to False Point for the supply of Cuttack and Pooree, while 1,000 maunds were despatched to Balasore. The cargo of the *Jacques Forrestier* was shipped by private persons for sale, Government guaranteeing a minimum price of rupees 5-10 per maund at False Point; that of the *Court Hey* and the rice sent to Balasore were Government property. The Board also arranged for the conveyance of a cargo of 1,100 tons, or about 30,000 maunds of rice from Rangoon to the Orissa Districts.

The cry of the famine-stricken population in Orissa now waxed louder and louder every day and forced even the local authorities into action. On the 8th June the Collector of Cuttack telegraphed that no rain had fallen there, that the heat was intense, and the early rice-crop burnt up. On the same day the Chamber of Commerce urged that the balance of the North-Western Famine Fund subscriptions should at once be appropriated to the purchase of rice for Orissa, where (the Chamber stated) the famine was now so appalling. Upon this the Lieutenant-Governor applied to the Government of India for the balance of the Fund, at the same time, in anticipation of sanction, authorising the Board to expend up to two lakhs of rupees in the importation of rice into Orissa. The Board, however, replied that they would prefer to wait to see the effect of what had been already done, and of the rains which, it was thought, might be daily expected. They reported that a cargo of 20,000 maunds of rice destined for Bourbon had been offered them on a guarantee which they would accept, if the prices did not fall.

In reply to this the Lieutenant-Governor on 16th June ordered the Board to accept the tender of the 20,000 maunds, and send it down at once to Balasore or False Point. On the 10th June, the Lieutenant-Governor asked the Governor-General to place the balance of the North-Western Famine Fund at his disposal. On the same day His Excellency sent telegraphic intimation of the grant. At this time, the Chamber of Commerce urged on the Government the appointment of a general Committee to superintend the disbursement of the funds at the disposal of the latter; but the Lieutenant-Governor thought that the funds could be much better administered by the Board of Revenue through the agency of the Local Relief Committees. On the 14th June, the Board of Revenue reported to the Government that there was no rice to be had at Akyab, and very little at Rangoon, and that it would be impossible to land rice in Cuttack at a price which would remunerate Government for its outlay.

At length the crisis necessitated the presence of the Lieutenant-Governor in the Presidency, and His Honor returned to Calcutta on the 16th June, not a day too soon. On the 18th June, he and his Secretary held a consultation with the Members of the Board at their office. At this interview, Mr. Moncrieff, the Vice-President of the Chamber of Commerce, and Baboo Digumber Mittra, a leading member of the British Indian Association and a large zemindar of Cuttack, were present.

In consequence of the discussion which then took place on the best means of transmitting rice to Orissa, the Lieutenant-Governor came to the determination that Government might very properly advance such sums as might be necessary for the purchase of rice, the advance being repayable from the sale proceeds of the rice as realized by the local authorities, and the Board were told to limit their importation of rice into Orissa by two considerations only; *first*—that the price at which it could be landed at one or other of the Cuttack ports, and conveyed to the place of sale, would not be much greater than the ruling market prices: *second*—that the local authorities could make arrangements for receiving and landing it at the several ports, and conveying it to the various places in the interior at which it is to be sold. Importations have continued to be made up to the present time, and will, we are told, continue to be made on these principles, until the price in the districts of Orissa falls to a point at which importation from abroad can only

be effected at a considerable loss. In the beginning of July, the Lieutenant-Governor referring to the great difficulty experienced in finding out the real market price of rice, owing to the paucity of stock, instructed the Commissioner of Cuttack to fix the price of the rice imported into the district for sale at half a seer or one seer per rupee cheaper than the nominal bazaar price.

At this time, the Committee of the British Indian Association urged upon the Government of Bengal the imperative necessity of importing large quantities of rice into Orissa, and objected to the instructions given by Government to the local officers to interfere as little as possible with private trade by selling at market or cost price. The Government informed the Committee in reply, that the Lieutenant-Governor was already sending rice into the country as fast as it could be obtained and shipped, and that under the instructions given to local authorities, the Relief Committees had ample powers given them to alleviate positive distress by supplying rice on terms quite irrespective of market rates, while for those who were able and willing to buy rice, the Government stores were open, and to sell them at market prices was the only fair and proper course to adopt. In the middle of July, the accounts received by Government from Orissa were full of promise as to the future. Prices were reported as already falling, and the autumn-crop was spoken of as being one of the finest that there had been for many years. Thanks to the presence and personal supervision of the Lieutenant-Governor, the Board was fairly roused into action, and the importation of rice into the Orissa Districts was pushed on vigorously. Nine vessels, with an aggregate cargo of one lakh and fifty-two maunds of rice, were at this time either at or on their way to False Point, Pooree, Balasore, and Dhamra river. From the six centres of relief in Cuttack, relief was now afforded to 1,205 men, 631 women, and 1,075 children, much also was and is being done through individual exertions. At the end of July accounts reached the press and the Government, of the great difficulty experienced in landing the rice in Pooree, every thing depending upon the state of the weather. From 300 to 500 bags only could be landed there daily, and in Cuttack from 4,000 to 5,000 bags. In Balasore, arrangements for relief and for the sale of Government rice had been organized by Mr. McNeil who had now gone on to Cuttack. Mr. McNeil estimated the very outside of the requirements of Balasore, till the incoming of the harvest, to be

rupees 10,000. He states that the relief is confined to the classes who work for wages, the old and infirm, and the beggar; the agricultural classes are not dependent on the relief operations in any way. A full supply of rice to Balasore has been arranged for. In all districts where distress prevails, active measures are in full operation for its relief, and will have to continue till the harvest is reaped, but possibly it may not be necessary to import much rice beyond that already ordered. On the 2nd and 3rd of August, two telegrams were transmitted by the Board of Revenue to the Lieutenant-Governor at Darjeeling, which were very cheering; they told His Honor that in Orissa there was seasonable weather, and a plentiful fall of rain, and rice was selling at Cuttack at nearly six seers per rupee. But in spite of these signs of improvement, we fear it will be long before things will right themselves. It will be years before the stamp of this great calamity will be effaced. The prospect is yet very dark. The famine-spectre is still stalking in the land. There is a complete paralysis of industry. The difficulty of safely landing rice and of effectually preventing its abstraction during the transit has not been overcome. The late heavy flood has destroyed a large portion of the Beali crop and caused great loss of life. The relief works have not commenced on a commensurate scale. But while deploring this state of things, we recognise in the telegrams the silver lining in the cloud.

The mode in which the Government has administered relief may be here described. For this purpose, the people were divided into two great classes, those who could afford to pay the market price for grain, but whom the market could not supply, and those who could not. "In the latter class were included all gradations, from those who could pay nothing at all to those who could pay all but the market price. For the relief of the first and most numerous class, it did not appear to the Government that it was in any way right or necessary to expend the funds subscribed for charitable purposes. There seemed no reason, in fact, why they should be supported at the expense of their fellow-citizens." With regard to the second class of people consisting of that mass of pauperism, which requires actual charitable relief, no condition is attached except that of selection by the local committee; the distribution of grain to these people has been left freely in the hands of the Relief Committees, which have been established, from the first, in each district; a few general directions, only, being laid down for their guidance.

The hearty zeal and earnestness, with which the details of distribution were supervised by these Committees must challenge and receive our admiration. But these local efforts, however laudable, were utterly inadequate to meet this tremendous visitation. The organizations for the relief of the helpless poor, formed on the basis of the voluntary principle, were very few and far between; the extension of relief houses throughout the interior of the Orissa Districts could alone stay its progress, but they were confined to the sudder stations and a few other places. The number of relief works was too small to afford employment to a considerable portion of the able-bodied poor. It is, therefore, no wonder that the system of relief proved a failure, and that the famine produced pestilence and crime. Cholera first broke out in the jail at Cuttack. The prisoners were removed and placed under canvas, but they overpowered their guard, and a large number of them effected their escape. The ordinary bonds of society seemed broken. *Budmaishes* organised themselves into bands of dacoits, and driven desperate by starvation, attacked in several instances the golas of mahajuns and *looted* the rice. The calamity assumed such intensity and magnitude as to be at last unmanageable. Deprived of natural aliment, the famine-stricken population of Orissa endeavoured, as we have seen, to support life by eating wild herbs and other substances calculated to act injuriously on their system. They thus suffered not only from deficiency of food, but from deficiency of digestible materials. There is, therefore, no doubt that the mortality caused by the famine has been great. But in the absence of general vital statistics, we are unable to form any reliable estimate of deaths in the Orissa Districts. It is however generally believed that about thirty per cent. of the entire population have died from starvation and its concomitant evils.

Neither are we in a position to estimate even approximately the losses caused to the proprietary communities in Orissa by the influence of the famine; they have been unquestionably as heavy as the personal miseries by which they have been aggravated have been heart-rending. But as seasonable rain has fallen, a strong reaction might take place among the rural population, if remedial measures were taken for future protection against such a calamity. Before, however, we proceed to indicate those measures, we will briefly allude to a form of relief which has been spontaneously adopted by the sufferers themselves, *viz.*, emigration. The people of India are, as a rule, wedded to their homes, and averse to locomotion. But

when pressed hard by the oppression of their zemindars, or prostrated by famine, they seek relief by migrating to another *elaka*, where they may expect cheap food and abundant work. The people of Orissa when crushed by this calamity, adopted this course and streamed into Midnapore, Ooloobariah, &c. The famine wave originating in Orissa, surged over the length and breadth of Bengal Proper. In the sub-division of Jehanabad, the pressure was most intense. The weavers of Chundercona, Ramgibbonpore, Kheerpoy, and Ghatal, left their villages in quest of food. The exodus at last poured into the metropolis, and Calcutta was inundated by paupers.

To the relief of this mass of suffering humanity the opulent and influential native gentlemen of this town have devoted themselves heart and soul. They have proved themselves fully equal to the crisis, and have thrown into it an amount of hearty zeal and unselfish vigour, which cannot be too much lauded. The *Unnochuttur*s opened by several of them in different parts of the town, and where hundreds and thousands are being well fed and well cared for, afford conclusive evidence of what has often been denied, namely, the fact that charity constitutes a distinguishing feature of the character of the Hindus. All honour, therefore, to Baboo Rajendra Mullick and others, who like him have consecrated themselves to the good work of feeding the hungry and clothing the naked. Mr. Stuart Hogg, Chairman of the Justices, and Mr. W. P. Davis, Deputy Commissioner of Police, have also done their duty in this crisis. They have spared no exertions in concerting measures for relieving the paupers. They have been indefatigable in building sheds, camps, hospitals, and lazarettoes. The Public Meeting which was held at the Town Hall on the 13th August, affords a cheering illustration of the sympathy felt by Europeans for their native fellow-brethren. The following resolution proposed by the Hon'ble Mr. Justice Phear, and adopted by the Meeting, bears a graceful testimony to the charity of the Hindus, and the necessity of supplementing it with European aid.

"In view of the very great distress existing among the poor, owing to the famine raging in some districts, and the scarcity of food prevailing in many others of Lower Bengal, and considering that many weeks may elapse before material relief is obtained from the new crops coming forward, this Meeting desires to record its admiration for the munificent liberality with which the native communities of Calcutta and other cities are meeting the wants of their famishing fellow-countrymen, and its opinion that the time

“has now arrived when a committee should be formed with
“a view of inviting subscriptions for the relief of the desti-
“tute poor, that have for the last few months been flocking
“into Calcutta from all parts of Lower Bengal, and also for
“assisting the suburbs and the towns and villages in the
“vicinity of Calcutta.”

Through the famine, Orissa has attained the turning point and crisis of her destiny. Every calamity has its moral, and the moral of the famine is the adoption by the Government of a policy of progress and material and moral improvement. With such a policy Orissa may attain to great prosperity and enlightenment, and take a high place in the scheme of imperial administration.

The term of the Thirty Years' Settlement being about to expire, the time is come for the Government to decide the important question of introducing the Permanent Settlement on the basis of the Despatch of Lord Halifax. The pledge given by Lord Wellesley for the introduction of such a settlement, in a Proclamation issued by his Lordship in Council, and to which we have before adverted, was reiterated in Regulation XII. of 1805, in the following terms:—“That at the
“end of these eleven years, a Permanent Settlement will be
“concluded with the same persons (if willing to engage, and
“if they have conducted themselves to the satisfaction of
“Government, and if no others who have a better claim shall
“come forward,) for such lands as may be in a sufficiently
“improved state of cultivation to warrant the measure, on
“such terms as Government shall deem fair and equitable.”
* But eleven years passed away, and the pledge remained unfulfilled. The Thomasonian school arose and promulgated the doctrine of Ryotwarry rights. In the meantime the periodical settlements ruined the province. We do not think it necessary at this time of the day to discuss at length the subject of the comparative merits of the permanent and periodical settlements of the land revenue. The wisdom of the policy of fixing for ever the State demand upon the land has been recognised by Her Majesty's Government, and we are strongly impressed with the necessity and importance of extending to this province the benefits of the permanent settlement. The author of that settlement, Lord Cornwallis, recorded his opinion in the following memorable terms:—“In raising a
“revenue to answer public exigencies, we ought to be care-
“ful to interfere as little as possible with those sources from
“which the wealth of the subject is derived. The attention
“of Government ought, therefore, to be directed to render

“assessment upon the land as little burdensome as possible. This is to be accomplished only by fixing it. The proprietor will thus have some inducement to improve his lands; and as his profits will increase in proportion to his exertions, he will gradually become better able to discharge the public revenue. By reserving the collection of the internal duties on commerce, Government may, at all times, appropriate to itself a share of the accumulating wealth of its subjects, without their being sensible of it. The burden will also be more equally distributed; at present the whole weight rests upon the landholders and cultivators of the soil. In case of a foreign invasion, it is a matter of the last importance, considering the means by which we keep possession of this country, that the proprietors of the lands should be attached to us from motives of self-interest. A landholder, who is secured in the quiet enjoyment of a profitable estate, can have no motive in wishing for a change. On the contrary, if the rents of his lands are raised in proportion to their improvement; if he is liable to be dispossessed, should he refuse to pay the increase required of him; or if threatened with imprisonment, or confiscation of his property, on account of balance due to Government upon an assessment which his lands were unequal to pay, he will readily listen to any offers which are likely to bring about a change that cannot place him in a worse condition, but which holds out to him hopes of a better.”

We believe that the Permanent Settlement, though it has erred in one important respect, *viz.*, in converting the hereditary property of the zemindars into absolute proprietorship, and in ignoring the proprietary rights of the *Khodkast* ryots or the real owners of the soil, has, on the whole, benefited the country. It is unquestionably an immense improvement on the other revenue settlements of the country, which may now be pronounced, more or less, as most miserable failures. The evil effects of periodical settlements are evidenced in the paucity of cultivation and the poverty of the cultivators. The periodical preparation of the *Jummabundee* or rent roll arms the myrmidons of the fiscal department with an enormous power of inquisitorial interference with the domestic arrangements and concerns of the ryot, which is frequently and fearfully abused, and its possessors are restrained by no considerations of an enlightened or unenlightened self-interest. The difference between the permanent and the periodical settlements is this, that while the former has upreared a barrier against those who have

the power to apply the screw as often as they pleased, but whose interests after all are identified with those of their peasantry; the latter places the ryots under the tender mercies of those myrmidons of the fiscal and police departments, whose relative position, education, and action, far from affording any encouragement to industry and enterprise, are calculated to check and repress them.

It is therefore not to be wondered at, that the periodical settlements have extinguished, wherever they have prevailed, the nobility and gentry of the country, and reduced society to one dead level of poverty. Accordingly, when the mutinies broke out in the North-West Provinces, there were few to give their active aid in putting them down. In Bengal, where the Permanent Settlement has interposed between the Government and the Ryot,—a class of men, who, by their position, their wealth, their intelligence, and their independence, were well fitted to discern the disastrous consequences of the mutiny to their country, and the identity of their interests with those of their rulers, the rebels found the people and their chiefs inclined neither to participate in, nor sympathize with, their crimes. In truth, a landed aristocracy is a normal condition of India, as well as of all other civilized countries. It is a natural link in the chain connecting the sovereign with the mass of the people.

A Permanent Settlement is not only calculated to promote aggregation of estates and prevent that infinitesimal subdivision of property which has been the curse of Orissa. It also brings the zemindar and the ryot face to face, and adjusts their mutual relations on a sound footing. Nothing can be more desirable than that the ties that bind the zemindars to the ryots should be strengthened. Everything that is calculated to sever those ties will prove as detrimental to the interests of the one as to those of the other. Whatever on the contrary tends to bring the ryot and the zemindar nearer, and bind them closer, will advance the material and moral well-being of both.

We believe the extension of the Permanent Settlement to the province of Orissa will be attended with great advantages to all parties. Government will derive an immediate increase of revenue from the revision of the settlement, without much trouble or expense. The estates having been surveyed and measured, their qualities ascertained, and the rates for the time being determined, the conditions laid down in the Despatch of the Secretary of State for the extension of the Permanent Settlement have been complied with, and

such enhancement of revenue, as may be deemed necessary in consideration of the subsequent rise in the value of produce, might be easily effected without calling into requisition the services of measurement ameens and their myrmidons. The average rate of the Thirty Years' Settlement was about two rupees per acre. This rate must be considered quite as high as that of the eastern districts of Bengal where rice is the staple produce. It would have proved excessive and oppressive, if it were not modified in point of fact by exemption of unculturable lands from assessment. The unprecedented rise in the value of produce has rendered the rate tolerable, and even equitable. We therefore think that though there may not be a considerable increase to the public revenue from enhanced rates of rent, in regard to lands which have been already assessed, yet the culturable waste and jungle lands may fairly be brought under the operation of the settlement at the full rate, whatever it may be, of the cultivated lands. A very considerable portion of the culturable waste and jungle land, especially the former, has been long since brought under cultivation. We therefore see no valid reason why under an equitable rate of assessment a premium should be offered to neglect of cultivation, in regard to lands which are now for agricultural purposes quite as able to bear it, as any land described in the last measurement-papers under the category of the cultivated lands. The jungle lands may be advantageously settled in accordance with the rules laid down by Lord Dalhousie for the settlement of the Sunderbuns. But the increase of revenue from these sources, however legitimate, should not be regarded as the only or the chief object of the extension of the Permanent Settlement. The increase effected by the last settlement, namely, Rs. 34,979-8-10½ is inconsiderable, but as Mr. Moffat Mills very properly remarks, neither was much augmentation expected, nor was the great work undertaken with a view to enhance the revenue of the estate. The great objects contemplated by the last settlement, and which should be steadily kept in view in introducing the Permanent Settlement, are the valuation of the land, the equalization of assessment, and the determination of the public demand.

Having due regard to the present situation of this province, we think the Government should lose no time in announcing its intention to introduce into it the Permanent Settlement. Such a course will prevent general neglect of cultivation, and save the province from a repetition of those

horrors, which we are now witnessing. We are informed that in several estates, lands have been thrown out of cultivation in the hope of obtaining favourable assessment, and sound policy and wisdom require that the State should come forward and remove all possible motives for neglecting the cultivation, and by diffusing contentment among the zemindars and ryots, bind them both in an indissoluble bond of sympathy. The province is passing through an unexampled crisis, let not its effects be any longer intensified by periodical settlements which have already written a cruel commentary. We are convinced that a perpetual settlement of the public demand on the land will prove a potent means of strength and growth to the famine-stricken population of Orissa. By removing great and unequal pressure of public burdens, by preventing periodical interference of the fiscal authorities, by guaranteeing the enjoyment of profits from the investment of capital, it will secure to land an increased marketable value, which may be largely made use of in mitigating the effects of future pressures. But in advocating a Permanent Settlement, we contemplate no interference whatever with existing rights in the soil. These rights have been recognised and confirmed by the Government, and nothing should now be done to trench upon them. We would also have it distinctly understood that we do not expect the Permanent Settlement will effect miracles in a day, but that its principle is sound, and its action beneficent has been proved by the Thirty Years' Settlement effected by Mr. Moffatt Mills. The time for the next step in advance has, in our judgment, arrived.

The influence of the Permanent Settlement should be supplemented by that of irrigation. Fixity of demand and canal action should go hand in hand. That they may be made compatible with each other does not admit of much doubt. The question may be complicated in the North-Western Provinces, where canalization is directed by the Government, but it is surrounded by no difficulty in Orissa, where canal irrigation is chiefly directed by private enterprise. Such sections of the Orissa districts as may be, or which it is proposed to bring, under the direct influence of Government canals, may be excepted from the Permanent Settlement for such time only, as may be necessary to the completion of the irrigation survey and settlement, and the fixation of the permanent water-rate. We know that the Oorias look upon irrigation with disfavour, but we are persuaded that their prejudices will die out so soon as its

benefits are rendered palpable. A well-administered system of irrigation will prove a precious boon. It will become a powerful agent in preventing or mitigating the effects of protracted droughts. Of the capabilities of Orissa for artificial irrigation, there is no doubt. They have been tested and proven by the most competent officers. In truth, the importance of irrigation is so vital to the improvement of the province that no means should be neglected for its extension. Those who have witnessed the effects of 'the Jumna and other canals in the North-West Provinces, will not hesitate for a moment in desiring to secure the same benefits for this province. The due regulation and free distribution of water is the first necessity of agriculture in India. It enhances the public revenue as well as the wealth of the people. The field of improvement presented by Orissa in the department of irrigation is very large. In all parts of the country, it yields profits to the State and to the people; but in Orissa, such profits will be immense and far above the general average. The staple product being rice, an abundant supply of water means wealth, plenty and contentment: and want of it poverty, famine and discontent. Where this supply is deficient or irregular, the extension of works of irrigation is indispensable to the development of the resources of the country. The delta of Cuttack is peculiarly subject to the evils incident to unregulated and uncontrolled rivers, the sudder station itself standing on ground about eight feet below the level of the flood of the Kujoree, would have been submerged on a recent occasion, but for the extraordinary exertions of Mr. R. N. Shore, the Commissioner, and Captain Harris, the Executive Engineer.' The whole district of Pooree and the southern part of Cuttack are liable to general inundations, which periodically cause the destruction of a large amount of life and property. This liability has been fearfully increased by the change that has taken place in the heads of Kujoree and Mahanuddee within the last few years, in consequence of which, a much larger portion of the whole water now enters the former river, than its lower parts are capable of carrying off.

These evils attracted the attention of the Government in 1858. On the 11th May of that year, Colonel Arthur Cotton, Commandant of Engineers at Madras, was deputed by the Governor-General in Council to inquire and report on the management of the Mahanuddee. In his report, that officer submits as his fundamental proposition, "That upon the regulation of the waters of every country, depends

"incomparably more than upon anything else the material wellbeing of it, and this is especially the case in all tropical and other countries which have defined periodical rains." Emanating as this proposition does from the best hydraulic authority in India, it is entitled to great weight. In support of it, Colonel Arthur Cotton shows that, upon the regulation of water all produce in India depends, and that excess or deficiency of it equally diminishes or destroys the produce of the soil. He also shows that naturally the supplies of water are almost always either in excess or deficit. He points out that on the question of the control of the Mahanuddee depends the preservation of the districts of Cuttack and Pooree, containing a population of a million and a quarter; and he proposes a system of works to regulate the waters of the province similar to those in the Godavery and Krishna Deltas—the works to consist of 1st,—Weirs across the Mahanuddee, Brahminee, and Byturney; 2nd,—Irrigating channels, completed for navigation throughout the whole delta tract; 3rd,—Drainage channels, between all the irrigating channels; 4th,—Embankments to all the rivers; 5th,—The high channel of Calcutta, which would also irrigate extensively. By means of these works, Colonel Arthur Cotton proposes to join the various mouths of the large rivers, to level embankments, and, having by these means reduced the strength of the current, to change the deposits from heavy sand and gravel to light alluvial soil. By the last-mentioned work, namely, a high channel to Calcutta, he very wisely aims at connecting the Mahanuddee by a navigable canal directly with this port. The increased production that may be caused by irrigation would be half lost if means of importation were wanting. In such a case, over-production would reduce prices till irrigation becomes a very doubtful blessing. The district of Burdwan, for instance, may grow potatoes without limit, but it can consume only a certain quantity, and the surplus, instead of facilitating, will stand in the way of the payment of a specie-rent. The Calcutta channel is, therefore, well calculated to prevent this evil in Orissa, while its extension on the other side to the Chilka Lake will ensure the benefits of a complete inland water communication. Mr. T. B. Muetier, Magistrate and Collector of Cuttack, in showing how the district would be benefited by Colonel Arthur Cotton's plan of irrigation, makes the following pertinent remarks:—"The *sarud* is sown with the first rains in June, and is reaped, in November; the '*daloo*' sown in November on the lowest

“lands, and reaped in April; the area of this crop is but small, as it requires watering. The ‘*rubbi*,’ cold weather crops, are so exceedingly scanty, as scarce to deserve a name. The ‘*sarud*’ land is covered with water in the rains, and is dry by December; if water were procurable, there is nothing to prevent a second crop to be taken between December and June. All the pulses and oil seeds grow very well then, and the market for them is inexhaustible. I have every expectation that in a short time also more valuable crops than those now cultivated,—I refer to safflower, sugar-cane, and jute,—would speedily become common.” Referring to Colonel Arthur Cotton’s plan, Lieutenant C. B. Young, Officiating Chief Engineer of Bengal, says,—“In the benefits to be derived from irrigation, particularly in India, I most fully concur with Colonel Cotton. They are two-fold ‘benefits’ both the Government and the people.” The Directors of the Madras Irrigation and Canal Company were so impressed with the great value and peculiar promise of the works recommended by Colonel Cotton, that they proposed to the Secretary of State for India in Council to raise the requisite capital and to undertake their construction, provided fair and liberal terms of support were conceded by Government. The Secretary of State very unwisely refused a guarantee and sanctioned the formation of an “un-guaranteed company formed for the purpose of constructing works of irrigation and navigation in the province of Orissa.” Such a company has been formed and is styled the East India Irrigation and Canal Company, with a capital of £2,000,000, with power to increase the same. It is under the same management as the Madras Irrigation and Canal Company, which has promoted it, on the belief that the scheme should be taken up and carried out as an independent undertaking. We heartily wish Her Majesty’s Government would reconsider the case and concede to the Company the guarantee solicited by them as the want of it hampers their operations. We earnestly trust the time is not distant when the Company’s operations in Orissa may bear fruit.

In connection with the proposed remedial measures, we would suggest the establishment of a Department of Agriculture for the purpose of obtaining, arranging, and collating agricultural statistics, to be superintended and controlled by a Minister or Director of Agriculture. Such a department exists in France, and we see no reason why it should not exist in India, which is essentially an agricultural country. It is notorious that, except in Calcutta, there are no proper

arrangements for ascertaining the periodical fall of rain. Though the fall of rain in Calcutta does not necessarily indicate the same fall in every part of Bengal, yet when there is drought throughout the country, the fall of rain may be some approximation to the fall of rain in the other parts of the country. We think however that at least, in some of the districts which are known to be large grain-growing districts, measures should be adopted by the proposed department for ascertaining the rain-fall from time to time. Again, in every district of Bengal, it is of the utmost importance that accurate information as to the grain crops should be obtained. This may be done by the proposed department. It may also take measures for the preparation of annual reports, not only on the crops, but on the prices which may rule from time to time. If such agricultural statistics had been collected and published for general information before the occurrence of the famine, its effects might have been, in a considerable degree, mitigated by proper and judicious arrangements. Cheap markets would have benefited, and dear markets would perhaps not have been dearer.

We rest our hopes for the regeneration of Orissa, not only on the adoption of measures for developing the material well-being of her inhabitants, but on measures for promoting their moral and mental enlightenment. We believe education to be the most powerful agent for improving and elevating a people, and we, therefore, earnestly recommend the extension of a well-directed system of education to Orissa. When the 'Buty Years' Settlement was effected, eight vernacular schools were established,—three in Balasore, three in Cuttack, and two in Pooree. English schools have since been established at Cuttack and Pooree, but the number of such institutions is very inadequate. There are large classes in Orissa who seek the benefits of an English education, and are able and willing to contribute towards the instruction of their children. When in February last, the Lieutenant-Governor visited Cuttack, the zemindars expressed their desire to see a Government college established. We trust the time is not far distant when such an institution may be set on foot. Education must begin with the upper ten thousand. In Orissa an educated native is not such a drug in the market as in Calcutta, inasmuch as young Bengallees, with a smattering of English and official vernacular, monopolize the ministerial offices to the exclusion of the Oorias.

There is no event which produces unmixed evil. It is an ill-wind which blows nobody good. If the famine leads, as we devoutly trust it may lead, to the introduction of the Permanent Settlement, the extension of irrigation, the creation of a Department of Agriculture, and the establishment of colleges and schools, it will have afforded a signal illustration of that divine law, that out of evil God educes good. It will have, in that case, proved under His Providence a hurricane sweeping away in its resistless and beneficent course the abominations of poverty and pestilence, misery and crime, ignorance and superstition, and inaugurating a new era of industrial development, and mental and moral illumination.

ART. II.—1. *Mr. Disraeli's speech to his constituents on his re-election.*

2. *Lord Stanley's* ditto ditto.

FOR the first time the leading ministers of the Crown have admitted that European considerations are but a part of the foreign policy of England, and they have recognized the Queen as an Asiatic, an American, and Australasian power. Heartily concurring in these views, we propose in this article to point out whereto that conclusion leads.

The national policy in America and Australia may be briefly stated. In America our rivals are the United States, and, as we can get no good whatever by quarrelling with them, all men concur in doing aught that honour will permit to keep the peace. With regard to our own colonies, both in America and Australia, our rule is to help those who will help themselves, and to keep up the union with the mother country so long as the colonies themselves desire it, and no longer. This policy has been pursued for some years amid the general concurrence of the nation. It is unnecessary further to allude to it.

With reference to our future policy in Europe, the periodical press has been representing that Mr. Disraeli at least, if Lord Stanley has been more reticent, has indicated that England is to seek, in maintaining the first position in Asia, consolation for declining into a second-rate position in Europe. We do not understand him to have said so. Our reading of his speech is, that the real material interests of England must be affected before we can interfere for the future in European affairs: that, until such interests are touched, it is our duty and our interest to abstain; but, when they are affected, the country will make the necessary sacrifices to maintain its position. In the meantime, we should drop the petty meaningless interference with everything and everybody, which has certainly, of late years, not increased our influence abroad, and reserve our diplomatic action on the continent, until it is distinctly sought, or until our own interests are so materially affected that we are prepared to back our diplomacy by force, if need be.

Recent events appear to us not only to indicate more clearly that this is our true policy, but to remove much of the temptation to a contrary course. The consolidation of the German nation into one great power has lessened the preponderance of France. She can no longer pit Prussia against Austria, or take advantage of the dynastic jealousies of the minor German powers to keep her own road open into the heart of Germany through a second confederation of the Rhine. The German people are not fools, and their desire for unity is unquestionable, and it is not to be supposed, even if the Southern Confederacy is recognized, that a common German parliament will not take such precautions as to prevent all danger of either France or Austria ever dividing the nation again. The consolidation of Italy has a similar tendency. It at once removes numerous causes of quarrel, and closes an ancient battle-field. The whole course of recent events points, as far as human foresight can speculate, to a more solid and lasting peace than Europe has ever seen.

At the same time the work is by no means done yet. The Roman question has to be settled; and, though Austria is to take no further part in German politics, she retains Austria proper and Bohemia, which, though Czech, has been associated with Germany for a thousand years, and must be deeply imbued with German feeling. Bohemia was one of the seven electorates of the Golden Bull, and it was as Kings of Bohemia that the Dukes of Austria had a claim to the empire. Whether the attachment of these provinces to the throne of Vienna will be sufficient to keep them contented, in isolation from the rest of Germany, is a question which time alone can solve; but, if they become discontented and yearn for union, they will have in Germany plenty of sympathisers, and to Austria will be said only "Schleswig Holstein."

At present, Prussia has taken a great lead in European politics, and she has a minister who has domineered over her parliament in the most aggravating style. People associated the policy of the state with his manners, and allowed their dislike of him personally to influence their judgment on the policy and attitude of Prussia. People talk now of Prussian preponderance, of the necessity of taking security against her ambition, and reason as if her success in Germany would make her attack all her neighbours, and overwhelm them with the might of her needle gun. But, fairly considered, the ambition of Prussia was perfectly legitimate, and there is not the slightest ground to suppose her views tend or will

tend beyond Germany, while the work she has done there is what Englishmen, at least, should take no exception to.

There are two great powers in Europe whose cherished schemes of aggrandisement clash with our interests. These powers are France and Russia. The French idea is the frontier of the Rhine, and, in consequence, the absorption of all Belgium. The Russian idea is the acquisition of Constantinople, and, by consequence, the sovereignty of European Turkey and Asia Minor.

There can be no possible doubt that the acquisition of Belgium by France would be a standing menace to England. In 1814, when French soil was covered by the allied troops, Napoleon refused peace, because he would not give up Antwerp, and the feeling of France, even at the present day, we fear, fully sympathises with him. It is not to be denied that international relations between England and France have, of late years, been greatly progressing, and that each country has learned to like the other better and respect it more. We believe such feelings, however, have made greater progress in England than in France. For this there are several causes. The Englishman is the greater traveller, and a larger number of our population go abroad; and, though, perhaps, the most conservative of all travellers in his prejudices, the travelling Englishman has an advantage in this respect over those who do not travel at all. Then, in the long contests which have taken place between the two nations, the balance of credit and success has been considerably in favour of England. Lastly, among the most liberal Frenchmen, those who admire English freedom most, and long that their own country might enjoy the like, the very sight of that they long for and cannot get, gives rise to feelings of envy and dislike, which, while they are thoroughly human, are capable, under favourable circumstances, of developing into a most bitter hostility. A prospect of humiliating England, of winning a battle on English soil, would, we fear, be intensely gratifying to the French mind; and, beyond all question, the possession of Antwerp would render this idea far less impracticable.

It is a very different thing attempting to organize an invasion of England from such places as Boulogne and Ambleteuse, and having a river like the Scheldt in which to prepare it. We believe, in such case, our safety would require the permanent embodiment of the militia and the addition of a hundred thousand men to the regular army. If this be a just statement of the case, it is manifestly the interest of England to assist Belgium, with all her power,

to maintain her independence. Should the time unfortunately come when Belgium desires to be absorbed into France, we must accept the situation and permanently maintain the necessary naval and military forces for our protection.

In like manner, we cannot stand by and see Russia annex Constantinople, or indeed make any serious attack on the Turkish Empire. Russia is our rival both in Central and Eastern Asia, and the possession of Constantinople would both enable her to command our overland communications with India and the further east, and give her such a prestige in the Asiatic mind, as would shake native faith in our invincibility in India itself. This is a most important consideration, which, not only public opinion at home, but even the leading statesmen of the country, have never realized. During the Crimean war, Lord Ellenborough wisely observed, that the question then to be solved was more an Asiatic than an European one, and that we should have done well to have chosen the Asiatic side of the Black Sea as the theatre of our operations, leaving to France the war on the Danube, both because we would have had a separate field of our own, where our army would not have been overshadowed by the larger armament of France, and that any successes we might have had would have spread far and wide throughout Asia. The merchants of Asia, from India to the Bosphorus, are a nomadic race, so to speak. They travel from bazaar to bazaar, spreading the news of all they see and hear, and they only report that which is Asiatic. To the people among whom they move, Constantinople is the boundary of civilization, as it is the limit of the nomad merchant's furthest journey. Of Europe they know nothing, though the names of all the old Asiatic towns are household words in their ears; and, it is for this reason, that Lord Ellenborough's later words are strictly true, when he said, that in taking Kars, as far as their influence in Asia is concerned, the Russians more than compensated themselves for the loss of Sebastopol. We must, if we want to maintain our place as a first-class power and our Indian Empire, resist Russian attempts on Turkey, and must meet any such design with war.

But this does not apply to any other power necessarily, and, instead of the "sick man," a strong power, able to hold its own, located at Constantinople, would be or should be a welcome sight to England. Austria is such a power. Her possession of Constantinople would be no menace to us, and we should be unwise to do anything to prevent it. It is no love of Turkey that makes us, under certain circumstances,

fight for her, and if the march of events, by pushing Austria altogether out of Germany, should press her eastward in her struggle to maintain her position as a first-class power, we should hail it as an additional security for the general peace of the world. At the same time we could do nothing to help her in such a design. Austria has the most insolent army in Europe: it is hated in every country it occupies; and England can never countenance this conduct of a military force, such as Austria sent into the principalities during her occupation of it, when the Crimean War was going on. If Austria wants to retrieve her position, her first endeavour should be to compel her own soldiery to treat the people they live among with consideration and civility.

It appears to us, that in order to secure these two great objects of our European policy, the independence of Belgium, and the prevention of the acquisition of Constantinople by Russia, the great work in course of accomplishment by Prussia in Germany puts a trump card into our hands. The effect of this must be to increase English influence in Europe. Germany now will not only be one and a first-class power, but it will be the leading power on the continent, so long as it is in a state of defensive alliance with England. Its danger consists in a combination of France and Russia. Its manifest interest is to prevent any dangerous extension of the power of either state on the continent, and it cannot but support the policy of England in Belgium and Turkey. On the other hand, any attempt on the part of either France or Russia to undo the work of the unification of Germany, from whatever motive it may spring, endangers our cherished policy, and should, in our opinion, be met by a defensive alliance of England with Germany,—a combination which will ensure the peace of Europe, and offer every prospect of a successful war, should that unfortunately, at any time, become unavoidable. In such a contingency, we should not shrink from doing our duty and helping Germany with all our power. It is perfectly possible silently to make it known to the statesmen of Europe that such will be our policy, without alarming the susceptibilities of either France or Russia. Our wish is to keep on the best of terms with all of them, but there can be no harm in letting them know that we can see both our interest and where our danger lies, and that we are prepared to accept the responsibilities of a great power.

Of course it is impossible to anticipate all the complications which may arise, but these observations seem to us to indicate the necessary policy at present. The means of carrying out

the policy are foreign to this article, but, in our relations with foreign states, we should give them to understand that we will find the means, and we should set about it, never forgetting that our power all over the world depends upon our being a first-rate power in Europe; and, however we may abstain from foreign diplomatic interference as a rule, it is no part of our intention to abandon that position if anything should threaten it. At the same time, it appears to us that, where our own interests are not concerned, it is wiser and more dignified to allow the continent to settle its own affairs, uninterfered with, save by the expression of an enlightened and friendly interest.

It is, however, principally our policy in Asia that should be the subject of an article in this *Review*, and, as it is perhaps the most difficult, though certainly the less serious, we shall now proceed to deal with it.

In Asia we are again confronted with our two European rivals, France and Russia. Let us take our relations with France first. We are united with France in the bonds of a common policy in China and Japan, and recently she has been laying the foundation of a dominion in the delta of the Cambodia. In China and Japan, France has but a small commerce, but she has been desirous of taking rank all over the world as a leading maritime power, and she interfered in China chiefly in the character of the protector of the numerous Catholic missions in the far East. England, on the contrary, has an enormous and rapidly developing commerce with those countries; and, when we found such material interests were being seriously compromised by the action of the Governments of China and Japan, we deemed it necessary to resort to force if we were to maintain our trade. At the same time, it is not to be denied that our intention went the greater length of extending it. Under these circumstances, as France was restless and active in those seas, and had a squadron and an accredited agent there, it was necessary for us to choose our course with reference to her. We chose to act in concert with her, and though obliged, no doubt, to concede some points in consequence, which perhaps we may have thought we could have settled more satisfactorily by ourselves, yet, as France is a great civilized nation, we felt that her influence would be mainly in the direction we required, and we prevented her using that influence and power to thwart us altogether and to throw every difficulty in our way. We think Government decided wisely in choosing thus, and the general result of the policy may be said to

have been most successful. With China and Japan our relations are simply trading, and our political engagements have for their end the protection and fostering of our commerce only. We have no territorial designs of any kind, nor, as far as we know, has France. On this point there is neither jealousy nor rivalry. Where we are a political power is on the continent of India, and there France is so feeble and her power of expansion so completely impossible, that we have nothing whatever to apprehend from her, while the theatre she has chosen for the establishment of her empire in the East is, in India, a *terra incognita*, and does not exercise the smallest political influence in the country. Should France annex the whole of Cambodia and establish herself along the river up to the frontiers of China, it would, in all probability, not be known in any Indian bazaar. The people of India are a Caucasian race, and their political pulse beats sympathetically to events in Turkey in Asia, Persia, Beloochistan, Afghanistan, and to a lesser degree to the affairs of the three Khanates of Bokhara, Khiva and Kokand, but with Mongolian and Malayan peoples, they have neither relations nor sympathy. We are understood of course to allude to the political centres of India. Doubtless, in some of the sea-ports of the peninsula, Malayan sympathisers may be found, but they would be but individuals few and far between, and exercising no influence in the country. It follows from this that France is not a rival of ours in the East, and that we can view her attempts to extend her influence in these countries with friendly sympathy, our only concern being to maintain such a fleet as will effectually protect our enormously valuable trade in the event of a rupture in Europe.

Our relations with Russia in Asia are widely different. She is our rival both in Central and Eastern Asia, and there is little doubt that she is looking forward to take from us the position of the first power on that continent. The territory of Russia in Asia is enormous, but it is cursed with an inhospitable climate for the most part, is thinly populated, and its maintenance is a cost and a drain on her resources. Her enterprises in this direction have as yet only given her prestige and political consequence, and it is not to be wondered at that she should be looking for profit, casting her eyes towards our noble Indian revenues and our rich commerce with China and Japan.

In the far East, of late, Russia has been making great strides. During the war of 1853-54, her only port on the Pacific was Petropauluski, which is closed by ice for a great portion

of the year. Since then, not only has she acquired the whole valley of the Amour, but also the whole coast of Mantchouria, and her frontiers now follow the course of the River Sungari, and she has acquired a good port, Vladivostok, in the Pacific, which is open all the year round. Her present efforts in this direction tend to making the river Yalookiang her boundary, which falls into the Yellow Sea. This has been resisted by the Chinese Government, as it would give the whole peninsula of the Corea into her hands with its fine harbours and salient position both towards China and Japan. It is understood that the recent massacre of the Catholic missionaries in the Corea was prompted by unreasonably and ignorantly confounding them with the Russians, whose designs in those countries have been renewed; and it is to be hoped that, in exacting reparation, France will not play the Russian game, but will give the people and Government of the Corea distinctly to understand how foreign the work of those whom she protects is to any encroachments on the part of Russia. The policy and encroachments of Russia have been ably exposed in a recent number of the *Revue des deux Mondes*,—the article being supposed to be from the pen of a Russian who held high office in those parts. The capabilities of the valley of the Amour are well depicted in "Atkinson's Travels on the Upper and Lower Amour." It is true that Russia has to settle these countries yet, and to develop the agriculture and commerce that is to make them formidable, but it is not very difficult for her to form a naval station at her new port, whence to interrupt and vex our commerce with China and Japan in the event of an European rupture. Indeed, according to the article in the *Revue* already quoted, the diplomatic station of the Russian envoy in Japan has assumed the character of a military and naval station, and the right of passing through the channel, which leads past it, has been appropriated by Russia to be granted or refused at her pleasure.

The writer in the *Revue* does more than hint that Russia has designs upon Japan. No doubt it would richly repay all her efforts. But, will England allow it? would our commerce suffer from the change? There is every reason to believe it would. Japan is under one central government, is well cultivated, and its people are disposed towards traffic, while the exclusiveness of its government, which would prevent the development of trade, is broken down, and that of the nobles is following fast. Everything points to a great extension of our commerce with that country under its

present rule. Now, a conquest of Japan by Russia would probably be a long and tedious affair. The Japanese are not without spirit, and there is not the slightest probability that Russia could enact the rôle of the battle of Sadowa there. Her means are small, and she could only gradually increase them, and she is the least able of all the maritime European great powers to carry on distant expeditions. During this operation, our trade would be utterly paralysed, and he must have a feeling on the subject to which we do not pretend who would say we were bound not to interfere. We think that England should resist any such attempt, for it would injure us greatly and we can easily forbid it. At the same time, if Russia would content herself with endeavouring to people and develop the noble territory she has upon the Amour, she would meet with only sympathy and encouragement from England. It is significant however of her intentions, that, as mentioned in the *Revue*, her negotiations to colonize the Amour, with a body of Bohemian Czechs from the United States, broke down, when on the point of succeeding, on account of the nature of the government and military organization to which they were to be subjected. They had breathed the free air of America, and, notwithstanding all the material advantages held out to them, they saw they were to be used for purposes of ambition and aggression only, and they had no mind to lend themselves to the scheme.

We now turn to Central Asia. Here Russia has been making vast strides. She has conquered Kokand, which is however the least warlike of the three khanates of Independent Tartary according to Vambéry, and she has humbled Bokhara, and the common belief is, she means to conquer that too. That Russia is troubled with but little scruples may be inferred from the fact, that Russian organs have been attributing to their Government the design of diverting the River Oxus from its present channel into its ancient one, which led, not into the Sea of Aral, but into the Caspian. As this involves the destruction of the khanate of Khiva, and the depriving of hundreds of thousands of innocent people of the means of subsistence, as will be fully seen by a perusal of Vambéry's account of this oasis in the desert, the utter selfishness and inhumanity of the proposal could only be excused on the ground that the writer knew nothing of what he was discussing, and that the Russian Government never entertained such a design. At the same time, the khanates are so utterly barbarous, Bokhara especially being the stronghold of Mahometan fanaticism, and their Governments are so unable to control the hordes of Khirgis and Toorkoomans, who make

commerce almost impossible in these lands, that their subjection by Russia and submission to her stronger and more regular rule can only be looked on as a general benefit.

By the conquest of Bokhara Russia would be brought up to the frontiers of Afghanistan, and it must be remembered that the Oxus is navigable, and lies between Afghanistan and Bokhara, while the Russians make no secret of their intention, in some way or other, to obtain the control of that river.

We would recommend the reader to glance here at a good map of Central Asia showing India and Afghanistan with the leading topographical features of the country depicted.

It will be seen that Affghānistān has an outlying province of Balkh or Toorkistan, north of the Hindookoosh, but that all the rest of it lies within that range of mountains. To the west, however, the range becomes lower, and gradually sinks to a moderate obstacle, and here, on the banks of the Herirood, is situated, in the midst of a country that would be fertile were it free from the waste of misgovernment and oppression, the famous city of Herat. Within the mountains, that is, Afghanistan proper, we find a valley having Caubul at one end and Kandahar at the other, and in the midst of it Khelat-i-Ghilzie and Ghuznee; while, from either extremity of this main valley, two narrow defiles lead down upon India, where their Indian extremities are known as the Khyber and Boolan Passes. Both these defiles have valleys opening above the passes, those of Shawl and Jelalabad, but they are circumscribed, though fertile, and again the valleys narrow to a gorge on the roads towards Caubul and Kandahar.

Between the Khyber and the Boolan Passes there are numerous smaller passes leading into the Derajat, but they are none of them routes that are likely to be made use of by more than a mere detachment.

If Russia meant to invade India therefore, she must do it either by way of Persia, that is by Meshed and Nishapoor to Herat, and thence by Furrah and Kandahar to the Boolan Pass; or she might make the Oxus her base, and, having conquered Balkh, she would have to cross the Hindookoosh by way of Bamian, and march thence by Caubul to the Khyber Pass. But to do that she would have to force a series of the strongest positions in the world held by an English army, for we proceed to show how easy it is for us to occupy Afghanistan whenever we please.

In the Afghan War of 1838,--42, we committed two grave mistakes, the one political and the other military. Our political mistake was in mixing ourselves up at all with the wretched squabbles of the country, aggravated, as it was, by our choosing

the wrong side. Our military mistake was in making war so far from our base of operations. In fact we invaded a country and attempted to put an unpopular prince upon the throne by means of flying columns only. It is clear enough now, that with ordinary prudence and energy, the Cabul disaster need not have happened. But the Sikh Campaign of 1845-16 showed the imprudence of the invasion, as the desperate battle of Feroze Shah demonstrated that the British army in Afghanistan was at the mercy of the Sikhs. Things are changed now however. We are wiser than to embrace the cause of any Afghan pretender, and our frontiers are up to the mouths of the passes. Government has, it is said, decided to make a railway from Lahore to Attock, and this we hope to see soon followed by the sanction of another from Hyderabad to Mooltan, to be subsequently extended to Attock also, so that we may have a double line of railway from the mouths of the passes to Hindostan and to the sea.

Affghanistan is a country pre-eminently difficult to conquer, but by no means difficult to hold. To reduce the people to submission, and more especially to collect revenue from them, is a task that no sane statesmen would propose to himself, but to march a military force into the country and occupy it is not difficult at all. Pollock's march through the Khyber, and Nott's from Kandahar to Shawl, to induce General England to advance, show that, when proper military precautions are taken, no opposition the Afghans can offer is likely to do us much damage. Still we must not forget that the Afghans are, in all probability, more formidable enemies than they were. Dost Mahomed was no ordinary man, and he had seen enough of us, both in the field and during his captivity, to induce him to do his best to discipline his men, to a certain extent, and to provide himself with a decent train of artillery; and, notwithstanding the political distractions of the country, the soldiers and the guns are there yet. But if they have improved, we have done so still more, and rifled ordnance and breechloaders will more than counterbalance anything Dost Mahomed may have done.

The warlike Afghans are the hill tribes, and most notably so the Dooranees and the Ghilziees. The former are in the hills about Kandahar, the latter in the hills between the Khyber and the Boolan Passes, bordering on the great valley of Afghanistan. The hill tribes are entirely dependent on the cities, or bazars as they call them, for everything that makes them formidable to other people, and it is only necessary to occupy these positions and to guard carefully against surprise to bring them to terms; and, if they see a firm policy of this kind, and that their internal affairs are left alone, it would be easy, by a small

payment, to save the great cost of escorts in sufficient force to protect convoys against them. Whether the Government of the day was friendly or hostile, and whether we had to beat the regular troops or not, if we enter the country we should never relax this system in regard to the hill tribes, whose honour and observance of treaties and engagements are in proportion to the means of coercion they see before their eyes.*

The question therefore arises, if Russia attacks Afghanistan should we meet her there? On Afghanistan we have no designs. The country would be a trouble to us only, but it is a vast natural fortress covering our frontier, and it is necessary for us that if not in friendly hands it should be at least in hands powerless to do us any injury. It is true that in history the struggle for the empire of India has never been decided in Afghanistan. The decisive battles, by which Indian empire has been lost and won against invaders from the north-west, have always been fought in that strip, intercepted between the desert and the hills, on the road between Delhi and Sirhind. But there are many considerations which forbid us waiting there. It involves surrendering Afghanistan and the Punjab, enough at once to condemn it; and it would open all India to the influence of Russian intrigue. We must therefore meet Russia in Afghanistan, and the odds are so tremendously in our favour, that, if we keep up our forces to the mark, a simple intimation that we intend to do so will be sufficient to restrain Russia from any attempt on Afghanistan, and convince her that her energies for the future must be confined to the development of the countries in which she has established herself.

We are of opinion that with a vigorous foreign policy on our part there is no danger whatever of a Russian invasion of India. The physical difficulties in her way are enormous, and, if she should surmount them, she has to confront a power greater than her own. But Russia has already attained a position whence she appears an Asiatic power to the native mind, and her career in Central Asia is exciting great attention in our bazaars. All that is turbulent and ambitious in India hates us, and stories of Russian progress are

* These observations on Afghanistan have been drawn partly from the conversation of intelligent officers who served during the campaign in Afghanistan in 1838-42, and partly from the successful dealings of the Punjab Government with the frontier tribes.

widely spread and eagerly devoured. The native press teems with accounts of the Russians, and the people are being educated to that degree that they will be able to read these accounts, without for a long time acquiring that more extensive information, which will enable them to form just opinion on the relative positions of England and Russia with regard to them. Indeed when they, as a body, can do that, they will require neither of us, but will be ripe for self-government. Under these circumstances, we think the time has come when our Government should have regular and reliable information from Central Asia, and that is not to be obtained by employing a common native vakeel. We are of opinion that a permanent mission should be established at Cabul, that the head of it should be the most able diplomatist in our political service, and that it should be made one of the most coveted appointments in way of emolument, for, in other respects, the appointment would hardly be a pleasant one; and that it should be the duty of such officer to keep the Government informed both of what is going on in Central Asia and of the state of parties in Afghanistan. We made one great mistake in this respect in preferring Shah Soojah to Dost Mahomed: let us see that we have not made another in preferring Shere Ali to Afzul Khan. It is, of course, not to be supposed we have identified ourselves with Shere Ali in any way, but even the recognition is awkward if he proves unable to hold his own, and it is important for Government not to make mistakes of this kind. Besides this, an officer in the position and rank of the envoy should be able to neutralize all Russian intrigues in Afghanistan, to keep British influence paramount, and thus to keep the Indian mind quiet on the subject of a Russian advance into India. Some money judiciously spent in attaining such objects, whatever people who take the high and mighty view of things may say, would be by no means thrown away.

We believe that we have nothing to fear from Russia, either by sea or land if we are true to ourselves, but we do think there is danger in her intrigues upon the minds of the people of India. To meet all contingencies, in our opinion, we must keep such a fleet in the India and China seas, as will enable us to deal with both France and Russia combined. On land we must push our railways on to the mouths of the passes, on the left bank of the Indus at any rate, keep our military establishments in a thoroughly efficient state, and bring the powers that be at Cabul into a relation of

friendliness and, so far as foreign affairs are concerned, dependence on ourselves.

It is possible again, as has happened before, that Russia may make a cat's paw of Persia and direct her upon Herat. It has been proved however that a slight pressure in the gulf is sufficient to keep Persia in order. We believe it will prove sufficient in the future, for Afghanistan is rather of the two proportionally increasing in strength. Should it not be enough however, beating Persia out of Afghanistan would be far easier than to beat Russia out. We need entertain no apprehensions from this quarter.

We have now to address ourselves to our foreign policy on the continent of India itself. The Indian Foreign Office has the control of all those territories, the direct government of which is vested in the Governor General in Council, popularly termed the Non-regulation Provinces: with these this article has no concern. It is with our feudatories and such states, within the mountains, as are still independent that we have now to do.

Lord Canning, in his famous proclamation to the native princes, in which he promised such as had no natural heirs, that the British Government would acknowledge and give investiture to an adopted son, laid down a policy to which good faith will compel future Governments to adhere. But this promise does not and cannot divest the paramount power of the responsibility of seeing that a decent government is carried on by native potentates, who are protected by the British power from the consequences of mis-government, which would follow inevitably were they quite independent. When such a case arises and must be dealt with, hitherto only two alternatives have been placed before Government, either annexation, or the government of the country through the agency of a British officer for the benefit of the princely family. We venture to suggest a third mode of meeting the difficulty, which we believe to be far better than either, and that is to appoint the ablest native we can find to hold the office of deputy of the British Government, with sovereign power, for his life only, during good behaviour. At his court there would be a resident, whose duty it would be to report on the administration.

The whole history of India shows that the native mind has no attachment to particular families as sovereign rulers. It is very different as landlords and petty local chiefs, but Mahomedan ascendancy for 800 years taught the people that an

adventurous soldier, a nobody, even a slave, might be the best of rulers, and a retrospect of the history of any of the reigning families of India, with the exception of the chiefs of Rajpootana or some very petty potentates, will show us the truth of this. What the native mind craves is native government, not the ascendancy of particular families, and, if such have forfeited their rights by sloth, neglect of their duties, the oppression of their peoples, and the exhibition of unlimited self-indulgence and of nothing else, all the better intelligence of the native mind would hail their deprivation, provided the state were left a native state, and the ruler appointed were a native. A field is thus left for the exercise of native ambition, and very best security given against ultimate annexation. The proposal to govern the state through a British resident can never be so satisfactory. The chief power and influence still remains, not with the native but with the European; and the court of a pensioned imbecile, or debauchee would by no means attract or satisfy like that of a real sovereign, virtually independent, except as to foreign relations, so long as he made the care of his country his first duty. Surely it is not hopeless, in this great country, to meet with men equal to such a position, and a degraded reigning family has no right to anything beyond a moderate subsistence, nor would the native mind, under such circumstances, think so. As a further inducement it might be held out to the chosen deputies, that the administration of the father and the way he educated his son would tell in the latter's favour, provided the Government were satisfied of his fitness, either for his father's office or any other which might be considered more suitable for him. Here would be an opening for the Salar Jungs and Dinkur Raos of India, such as never was yet seen under British rule, while, we think, in adopting this policy, the Government would be fully discharging its duty to the people as the paramount power, as it would always reserve the power of dismissing the Nawab. In fact, he would be in the position of one of Akbar's soubadars, but more vigilantly looked after, and selected on other and better principles, while his own conduct could always secure his position for his life.

There are a large number of men in this country who are dangerously disaffected, merely because they find no avenue to wealth or distinction, open to them under our rule. All our Indian statesmen of experience have recognized the existence of this class, and have recommended the maintenance of the existing native states to provide for them.

Many of the ablest of our Indian officials are of opinion that we have gone too far in the way of annexation already. It is a general opinion that we have done enough; and we think that in pointing out a way in which this object may be attained, and yet our duty to the masses of India discharged, we have indicated what is worthy the attention of Government. It is not to be forgotten however that the hill states are apart. They have never exercised the slightest influence on the politics of India. Ambitious adventurers have never sought in them a field for their abilities or address, and there is no reason why we should deal with them in this fashion. On the contrary, there are the most powerful reasons why we should not; for, though we look on the colonization of the hills by men of European race as a chimera, yet they are capable of producing much that requires European management and supervision, they are, with good management, inexhaustible depôts of the finest timber, and they are invaluable as sanatoria and as furnishing wealthy stations for European troops. We seek the possessions of no one, but, if fate puts the opportunity fairly and justly into our hands, we are of opinion that the general interest requires that we should lose no opportunity of acquiring hill territory.

Before closing this article, we would say a few words on the political aspect of the management of the natives in our own service. We have neglected this too much. The late Sir Henry Lawrence, writing of the sepoy army, said that, probably, ninety-five per cent were perfectly contented, and five per cent were dangerously disaffected. The cause was to a certain degree inseparable from our position in India, but many of the five per cent could be conciliated and contented. No doubt many will say that the mutiny showed that nothing like ninety-five per cent of the native soldiery were content with our service. We believe that, the mutiny not notwithstanding, the estimate is a proximate one. It is beyond a doubt the earlier mutinies were the result of a vague fear that Government was about to interfere with caste, and that the later ones were the work of a few desperate characters in each regiment. Soldiers, and especially mercenary soldiers, follow in such cases like a flock of sheep, and the Indian mutiny was no exception.

No doubt there are some men we can never conciliate, and they must be coerced when they show their teeth; but we think that a real effort might greatly reduce the number of the disaffected. The frank adoption of the policy, already indicated in regard to our feudatories, would do much. It

would put an end to the government of dancing girls, fiddlers, and favourites, for no deputy could hold his government who resigned himself to that, and it would widen the present existing field to the legitimate ambition of men worthy of better things, and therefore of the class who are to be feared in times of trouble. But we must do something in the way of putting distinguished natives on a footing of equality as regards honours and emoluments with ourselves. There is no doubt that this is what they value. Nothing gratified Jung Bahadoor so much as being made a G. C. B., and one of the Attareewala Sikh Sirdars, a man who commanded a division of the Khalsa army in the campaign of 1848-49, had the rank of captain given him by Government during the mutiny, and the title is now his most cherished distinction. We all know the outburst of indignation with which the decoration of Jung Bahadoor was received by that clique which is mainly represented by the Horse Guards and the United Service Club, to the utter astonishment of Lord Ellenborough, who advised Her Majesty on the occasion, as well as to that of all men who had the capacity to understand our position as the first power in the world governing a great foreign continent. But the home interest brought to bear on the question was so great, that Lord Canning, thinking all the time that it should be done, refused to recommend the Raja of Kapoorthulla for the distinction of K. C. B., notwithstanding his very eminent services. Though they were forced to submit to a clamour, which speaks but little for the sense of those who promoted it, the Government of Her Majesty felt that something must be done, and the Order of the Star of India was instituted.

Recently this order has been extended, and we trust it will be wisely and discriminatingly bestowed. We think that hereditary Rajalings have had fully more than their share. But there are other existing orders of which we would like to say a few words. In the native army there is one called the "Order of British India." Its rules bestow it on native officers only, and it is given for long, faithful, and honourable service. It is a handsome star in gold and is in two classes, the first of whom have the title of "Sirdar Bahadoor" and two rupees a day, the second have that of "Bahadoor" and one rupee a day. There is nothing in this order which should make it exclusively a military decoration, and we see no reason why distinguished civil officers should not wear it. The pecuniary part of it might be omitted when it was a civil decoration. It would add very much to the value of it, in native eyes, if Governors of provinces, Chief Commissioners,

and Generals commanding divisions were to wear it, and more so if the Viceroy and the Commander-in-Chief would sometimes do so also.

Of the Victoria Cross we would only say that, under its rules, it should be open to the whole army, native as well as European. But this great honour is scantily bestowed, and there is in the army another, called the "Order of Merit," at the disposal of the Government of India. This order is, by its rules, only given for bravery in the field. It is a handsome star with the legend "for valour" upon it. It has three ranks. The lowest carries one-third more of the recipient's pay with it; the second, properly given to those who have already gained the lowest, carries two-thirds of the pay with it, and the highest class, given to those who have a third time won it, carries with it double pay. During the mutinies, the rules of this order were relaxed, and it was given for loyal service without regard to its gradation, but we believe it has since been put upon its original footing. It is not to be doubted that the value of this order would be greatly enhanced in native eyes, if it was given to the European army. The profusion with which natives were decorated with it during the mutiny war created great jealousy and heart-burning among the European troops, who got nothing, and its extension to them would enable the Government of India itself to decorate deserving bravery in cases where the peculiar conditions of the Victoria Cross were not fulfilled. Officers should, of course, receive it as well as men, but in their case no extra pay be given. We feel very little hesitation in saying that such an extension of the order would greatly enhance its value in the eyes of the natives of India. These distinctions are valued everywhere, and chiefly at the rate that is put upon them. Sharing with the native soldiery, by the governing class, cannot but make them greatly prized, and it would be no less acceptable to the working portion of the British army, however it might be looked upon by the military authorities in London.

We are further of opinion that the institution of the staff corps has introduced an organization into the army, which admits of a politic promotion of natives without any danger. Young men of family, after serving a stipulated time in the commissioned ranks of the native army, might be promoted to be lieutenants in the staff corps, and their promotion go by their service as that of their European comrades. An examination in the English language and ability to write and read Persian, as well as in their military duties, might be required.

Some old and deserving soldiers, who were thought worthy, might also receive the like distinction, and perhaps the English language be omitted in their case. It would not be necessary to do much in this line, a few cases would have a great effect, and something of the kind must be done for our own safety. No apprehension need be entertained as to the want of employment. Every general officer might have a native aide-de-camp allowed him, and ought to have one. Some would, if well selected, be invaluable in the Quarter Master General's department; others would, no doubt, be excellent political officers, and they would be none the less likely to serve Government faithfully, because they held the rank of captain, major, or lieutenant-colonel in the British army. In one or two cases we even think that the Government would do wisely, with well-tried men, to entrust them with the command of a regiment, and others who were not quite up to that might become wing or squadron officers. For the present, however, it would in no case be desirable to put Europeans directly under their command. The future must be left to the Government of the day.

With regard to our native civil servants we should do something of the same kind. We have already expressed an opinion that the order of British India should be thrown open to them, and we think they should also have English titles. By far the bulk of the civil judicial work of the country is done by native judges, and, if we left the moonsiffs alone, the sudder ameens and principal sudder ameens might be called by the name of judge of this, or that court. We see no reason why, if we have a native judge of the Supreme Court, a native might not here and there be made judge of a district. So in the non-regulation districts, natives, who have really distinguished themselves, should not be restricted to the rank of extra assistant commissioner only. That of assistant commissioner should at once be thrown open to them, and for the future let their ability show the way. We are also of opinion that natives of a certain rank in the public service should be called "Saheb." It is a word at present distinctive of the European, or only given to Rajas and such like. There is nothing that would tend more to increase the self-respect of our better men, and to make them feel that Government meant to treat them worthily. As a rule, in the Civil Service natives are far better fitted for judicial than executive appointments; and a reform that would separate the two branches of the administration would, while it greatly improved the Government,

make the adequate provision for deserving natives in the civil department much more easy of accomplishment.

We may at first sight appear open to the charge of digressing in bringing under discussion our treatment of our own officials in an article on the foreign policy of England, but a further consideration will acquit us. In this country we are encamped among a foreign people. Our social condition and theirs prevent any intimate association, and therefore our relations with them are and must be political. We can no more amalgamate with them than oil with water, but, as we have to live among them, we may do what we can, and allow them to feel our presence as little as possible, and it cannot be felt more than when it grates on the *amour propre*, and presents a wall of brass to the personal distinction of every able man in the land.

We would conclude with a word in reference to the new Secretary of State for India. He is one of the most rising and hopeful statesmen of the Tory party. A leading London journal, speaking of him, wrote as if he had made a sacrifice in taking India, representing that, as he had given proof of his powers as a party debater and as his genius lay towards sarcasm, by accepting his present office he had deprived himself of the field best suited to his talents, and was likely, in consequence, to fill a less prominent position in the House. We cannot agree with this writer. England has been now for a long time and must be governed by parties, but it is not in their contests that statesmen are made. Oratorical combats on the floor of the Houses are no doubt exciting enough, and, as a trial of intellectual power, especially interesting to contemporary ephemeral literature; but they pass by and leave no trace behind, they essentially contract the view of those engaged in them, and, however such gladiators are feared and admired among their contemporaries, they have no place in history merely as such. If Lord Cranborne aspires to be a statesman, we consider India perhaps the best school the public service affords. It removes him from the necessity of looking at measures through party spectacles: the affairs he has to deal with are vast enough to open any man's mind, and induce him to take a liberal and enlarged view of things; and the mere having to deal with something quite apart keeps ever before his view that there is a great world outside the House of Commons. How many men of promise have succumbed to party influence! Our statesman should ever remember Goldsmith's happy description of Burke,

"Who, born for the universe, narrowed his mind,
"And to party gave up what was meant for mankind."

We have no great admiration for the Tory party, as such. We dislike their Austrian proclivities, and their total want of sympathy with the legitimate aspirations of the people, both at home and abroad. But we recognize the value of the conservative element in the country, and, though Tories are friendly to prerogative, they have ever manfully withstood Whig tendencies to govern by an oligarchy raised on the sympathy of the people with the great principles of national progress, and for this they demand the gratitude of all honest men. On this occasion the Tory party has had power thrust upon it by the blunders of its opponents. We can look for no great domestic measure from the present ministry: to carry such they must belie the principles of their party, and the history of their lives. But, if we have interpreted their meaning in saying that our position in Asia must influence their foreign policy generally, if they stick to that principle and place the naval and military forces of the country on a footing adequate to carry it out, they will have inaugurated a new era in the history of England, and be entitled to the respect of every lover of his country.

ART. III.—1. *Mémoire pour le Sieur Duplex contre la compagnie des Indes, avec les pièces justificatives.* Paris, 1759.

2. *A History of the Military Transactions of the British Nation in Indostan from the year 1745,* by Robert Orme, M.A., F.A.S., 1803.

3. *Histoire de la conquête de l'Inde par l'Angleterre,* par le Baron Barchou de Penhoen. Paris, 1844.

4. *Inde,* par M. Dubois de Jancigny, Aide-de-camp du Roi d'Oude, et par M. Xavier Raymond, Attaché à l'Ambassade de Chine. Paris, Firmin Didot Frères, 1845.

5. *The History of British India,* by Mill and Wilson, in ten volumes. London, Madden and Co., Leadenhall Street, 1858.

6. *The National Review, Volume XV.* London, Chapman and Hall, 193, Piccadilly, London.

7. *An Account of the War in India, between the French and English, on the Coast of Coromandel, from the year 1750 to the year 1760.* Compiled by Richard Owen Cambridge, Esq. London, T Jeffreys, 1761.

8. *Nouvelle Biographie Générale, depuis les temps les plus reculés, jusqu'à nos jours.* Paris, Firmin Didot Frères, 1862.

THE energetic measures taken by Bussy after the death of Mozuffer Jung had confirmed the ascendancy which the French had attained in the councils of the Subadar. All the promises, all the arrangements, made by the deceased prince, had been at once ratified by his successor.

Of these perhaps the most important at the moment was the engagement entered into with Mahomed Ali. It will be recollected that this noble, the representative of the family of Anwarooddeen, abandoned by every one after the downfall of Nazir Jung, had taken refuge in the strong fortress of Trichinopoly. Here at the instance of the Mahratta, Raja Janojee, he had opened with Dupleix negotiations, which had terminated in a promise on the part of Mahomed Ali to recognise Chanda Sahib as Nawab, and to make over to him Trichinopoly and its dependencies, on condition of being himself secured in the possession of his father's treasures, free from all enquiry as to his administration, and of being entrusted with a subordinate government in another part of the Dekkan. It was in the fullest belief that this engagement would be adhered to, and that the matter was settled, that Dupleix had despatched Bussy to Aurugabad.

Yet notwithstanding that Mahomed Ali had before the march of Bussy agreed to the terms proposed, and that Dupleix, on his part, had obtained and forwarded to him the sanction of the Subadar to their being carried out in their entirety, the matter seemed to hang fire. Whether it was that he distrusted the promises of Dupleix or that he trusted to the chapter of accidents, this at least is certain, that Mahomed Ali delayed, on one pretext after another, compliance with the terms to which he had agreed. At last, driven hard by Dupleix, he declared that further concessions would be necessary before he could give up Trichinopoly. So anxious was Dupleix for a peaceful settlement of the question, that even this new demand did not exhaust his patience. He sent the letter of Mahomed Ali to Bussy, with a request that he would obtain from the Subadar the necessary authority to enable him to agree to the terms it contained. Considerable as they were, these new demands were in his opinion small in comparison with the consequences which, he believed, compliance with them would entail, *viz.*, the evacuation of Trichinopoly, and, with that, the pacification of the Carnatic. The consent of the Subadar was easily obtained by Bussy; the proper documents were then forwarded to Mahomed Ali, to be considered valid only on the condition that he signed the treaty without further delay. Mahomed Ali, however, still hesitated. He had been in fact throughout this period urgently beseeching the English for their assistance, and it was only when, at the end of four months after he had received intimation of the Subadar's consent to the additional conditions he had required,

Volcondah, about forty-five miles to the north of Trichinopoly, and on the high road to that place.

Volcondah was a considerable place, strong in its natural position, and, for a native town, very fairly fortified. The governor held it for the Nawab of the Carnatic, but as the rival forces approached it from different quarters, he was apparently undecided as to whether Chanda Sahib or Mahomed Ali had the better claim to that title. It was evident that a battle was imminent, and, uncertain as to its results, he feared the consequences which a premature declaration in favour of the faction that might be vanquished, might have on the party that should prove victorious. He therefore judiciously declared that the cession of the place would depend upon the issue of the impending contest, whilst at the same time he lent an attentive ear to the offers that were made him by both parties.

The march of Chanda Sahib had been so slow that the English had had time to take up a position to the south-west of Volcondah, before he had advanced beyond that place on his road to Trichinopoly. It had now become indispensable for him either to occupy Volcondah, or, gaining the governor, to drive the English from the neighbourhood. To this second end he spared neither persuasion nor promises. Whether these would, under other circumstances, have brought about the desired result may be doubtful, but this at least is certain that the shifty conduct of the governor so wearied the English commander, that after a fortnight's useless negotiation, he resolved to compel that which the other would not willingly yield. On the evening of the 19th July therefore, without apparently acquainting the governor with his intention, Captain Gingen marched a great portion of his force against the place, with the intention of taking possession of it.

The outer defences of the town, and the town itself, fell at once into the hands of the assailants; but this attack, and the burning of some houses outside, roused the garrison of the fort, and the English were compelled to recoil from its stone walls with considerable loss. Their ill-advised attack decided the governor. He threw himself at once into the arms of Chanda Sahib, and summoned the French to his aid. Before daylight, consequently, d'Auteuil put his force in motion, and entering the fort with a portion of his troops, poured upon the English such a fire of artillery, that notwithstanding all the efforts of their officers they quitted the field in a panic, abandoning their native allies, and leaving

he wrung from them a promise of substantive aid, that he boldly threw off the mask, and refused to surrender Trichinopoly on any conditions whatever.

Thus again was Dupleix, much against his own inclinations, much, as he well knew, against the wishes of his masters in Paris, forced into war. Thus again did the question of French domination in India depend upon the capture of the city of Trichinopoly. The army, which in November, 1749, had marched from Pondichery with the intention of carrying out this purpose, had been unwisely diverted to another object. But this time Dupleix was resolved there should be no such mistake. To the native army of Chanda Sahib, consisting of from 7,000 to 8,000 men, he added therefore a European detachment of 400 men, a few Africans, and some artillery,—the whole under the command of M. d'Auteuil. These left Pondichery in the month of March, 1751.

Meanwhile the English, recognising and rightly recognising that their only chance of safety lay in their sustaining the cause of the anti-French pretender to the government of the Carnatic, had resolved to support Mahomed Ali with all the means at their disposal. In the early part of February therefore, they despatched Captain Cope at the head of 280 Europeans and 300 sepoys to aid in the defence of Trichinopoly; at the end of March following, they ordered a force of 500 Europeans, 100 Caffres, 1,000 sepoys, and eight field-pieces to march from Fort St. David, for the purpose of co-operating in the field with the troops that still adhered to Mahomed Ali, and which were expected from Trichinopoly. This force was commanded by Captain Gingen, and serving with it as commissariat officer, the second time we have met him,—was Lieutenant Robert Clive.

The first detachment,—that under Captain Cope,—had, during the same month, made an unsuccessful attempt to capture the city of Madura, held for Chanda Sahib by Allum Khan, and had returned dispirited to Trichinopoly. Captain Gingen, for his part, having been joined in the middle of May by Mahomed Ali's troops, 1,600 in number, had at once marched on the pagoda Verdachelum, about forty miles from the coast, and commanding the communications between Fort St. David and Trichinopoly. Taking and garrisoning this, and being joined by a further detachment of 4,000 men from Mahomed Ali, and 100 Europeans despatched to his aid by Captain Cope, he moved forward to intercept Chanda Sahib and the French, of whom he had last heard as marching on

without shame the taunts of the brother of Mahomed Ali on their cowardice ; and notwithstanding that they were not pursued, they abandoned their encampment at midnight, and leaving behind them their guns, camp equipage, and munitions of war, fled precipitately in the direction of Trichinopoly. Can any one doubt that upon men so panic-stricken, the vigorous pursuit of an enemy would have produced the most decisive effect ? Can any one believe that the consequences of such decisive action would not have been ruinous to the English ?

But no pursuit was attempted that day: d'Auteuil contented himself with securing possession of Volcondah. On the following morning, however, finding that the enemy had disappeared, d'Auteuil followed on his track, halting within a few miles of the position he had taken up in the hilly country round Utatoor, about twenty miles north of Trichinopoly. Here, during a halt of three days, several skirmishes ensued, in one of which the English fell into an ambuscade and suffered severely. On the third day, Chanda Sahib attacked the English position, and although, owing to the non-arrival at the scene of action, at the time agreed upon, of the French contingent, he was repulsed, yet his attack made so serious an impression upon the English, that they retreated the same night to the banks of the Coleroon. They crossed this river, followed by Chanda Sahib and the French, on the 25th, and took possession of Seringham, an island formed by the separation of the Coleroon from the river Cauveri, but not deeming themselves even here secure, they abandoned this also and the pagoda upon it,—a very strong position in which, supported by the troops in the city, they might have defended themselves against five times their number,—and took refuge on the 28th July under the walls of Trichinopoly:

The French and their allies meanwhile pushed on, and crossing the Coleroon took possession of Seringham. First completing the conquest of this island by the capture of the mud fort of Coiladdy, at its eastern extremity, from which they expelled the English, they crossed the Cauveri, and encamped on the plain to the east of the town near a position now known as the French Rock. From this they commenced a sort of bombardment of the place.

Trichinopoly* is situated on a plain which once was crowded with rich villages and plantations of trees. The town is in

* This description is taken from Colonel Lawrence's Account of the war.

six pieces of cannon, several muskets, all their camp equipage and stores of ammunition, as a prey to the conqueror. Had the French pursued with anything like vigour, the war would have been that day at an end. But a fatality seemed to attend all the operations that might have been decisive. D'Auteuil was laid up with gout, and was quite unable to give his personal attention to details, nor had he a single officer with him upon whom he could rely. Instead, therefore, of taking advantage of the panic which had overcome the English, and of converting their defeat into an overthrow which must have been ruinous, the French and their allies contented themselves with maintaining a brisk cannonade on the enemy from the north bank of the little river Valaru, which he had crossed in his retreat. It has been said * indeed, that Chanda Sahib was hindered in his onward movements by the defection of one of his generals, in command of 4,000 horse. Desertions from a victorious to a vanquished enemy are not common, least of all among nations of the East. But however that may have been, it did not influence in the smallest degree the movements of the French. It was for them, on this as on previous occasions, to give the cue to their native allies. All the accounts of their historians, the memoirs of Dupleix himself, record that they failed to do this, and that they failed because of the illness and apathy of their general, and the want of spirit of their officers.

Never before indeed had such an opportunity been offered them ; never such an opportunity neglected. The force under Captain Gingen constituted, with the exception of 80 men under Captain Cope at Trichinopoly and a few left to mount guard at Fort St. David and Madras,† the entire available force of English soldiers on the Coromandel coast. A little display of energy on the part of d'Auteuil and his officers would not only have ensured the destruction of this force, but, as a necessary consequence, the fall of Trichinopoly, and the restriction of the few English who remained to the limits of their possessions on the coast. This is no idle supposition. It is capable of positive proof. So complete was the panic which possessed the soldiers of the little army under Captain Gingen, that they left their native allies to fight whilst they fled in confusion ; they heard

* Orme.

† The reinforcements to be subsequently alluded to did not reach Fort St. David till the end of July.

displayed no lack of energy. Finding that the English were resolved to defend Trichinopoly to the last, and that its defences precluded the possibility of a successful assault, he determined to take advantage of the possession given him, by the recent French victory, of the neighbouring country, and to subject the town to a strict blockade. Everything seemed to favour such a proceeding. The great body of the English troops were shut up in Trichinopoly, the few that remained could not expect to cope successfully with the French in the field, still less to introduce supplies into the town; in the entire Carnatic, but one place, the small fort of Verdachelum, on the road from Fort St. David to Trichinopoly, held out for Mahomed Ali. The cause of the English seemed hopeless; the fall of Trichinopoly, if strictly blockaded and pressed vigorously, appeared certain.

Yet it was in these desperate circumstances, in this crisis of the fortunes of France and England, that there appeared upon the stage one of those men whose daring genius and power of original conception supply the want of armies. We have already stated that with the force led by Captain Gingen to endeavour to intercept the march of Chanda Sahib and the French on Trichinopoly, there served as commissariat officer Lieutenant Robert Clive. This officer had originally come out to India as a writer in the civil service of the Company in the year 1744, and had been in Madras when that place was taken by La Bourdonnais. On the departure of La Bourdonnais, and the disavowal by Dupleix of the terms of capitulation which he had unauthorisedly granted, Clive had escaped, as we have already stated, to Fort St. David. Here he enjoyed many opportunities of noticing the method of war adopted in the East, in the several attacks made upon Fort St. David by Dupleix and his allies, and in the movements of Anwarooden and his two sons to hinder their success. When subsequently the arrival of Admiral Boscawen secured for the English a preponderance on the Coromandel coast, and the siege of Pondichery was resolved upon, Clive obtained permission to join the besieging army in the rank of ensign. He is stated to have distinguished himself on this occasion by his daring courage, but the skill which was wanting in the leaders of the besieging army shone brilliantly within the walls of the town, and the enterprise miscarried. We next hear of Clive at Devicottah, as usual in the foremost rank; and shortly afterwards as commissariat officer of the expedition sent to intercept Chanda Sahib. In the panic which followed the failure of Captain Gingen

form of an oblong square, the longest sides of which are east and west. On the north runs the river Cauveri, less than half a mile from the fort. The town at the time of which we are writing was nearly four miles in circumference, with a double *enceinte* of walls with round towers at equal distances. The ditch was nearly thirty feet wide but not half so deep, and at different seasons was more or less supplied with water. The outer wall was built of grayish stone; it was about eighteen feet high, and four or five thick, without parapet or rampart; the inner wall, distant from it about twenty-five feet, was much stronger, and was thirty feet high. Its thickness at the bottom was thirty feet, and it gradually decreased as it ascended, by means of steps, to a width of ten feet at the summit. In the middle of the old town stood a most extraordinary rock about 300 feet high. On the top of it was a pagoda "which," says Colonel Lawrence, "was of singular use to us the whole war; here was constantly stationed a man with a telescope who gave us by signals and writings an account of all the enemy's motions." It remains to be added that the city is about ninety miles from the coast, the river Cauveri running about half a mile to north-east of its northern face; beyond that, about a mile from the south bank of the Cauveri is the pagoda of Seringham, and beyond that again the branch of the Cauveri known as the Coleroon.

The French had, as we have seen, taken post to the east of the city, and had opened fire on the walls. Before however much progress had been made in the siege, d'Auteuil, whom gout had utterly incapacitated, was, at his own request, relieved from his command, and returned to Pondichery. His successor was M. Law, nephew of the famous Scotch financier, and who had recently returned from France with strong recommendations from the Directors. We do not meet him here for the first time. He it was who, at the time of the attack on Pondichery by Admiral Boscawen, had been entrusted with the defence of the outpost of Ariancopan;—a service in which he had displayed energy and vigour. His past services and the character he then bore were sufficient to authorise the expectations which Dupleix had formed from his nomination. He was indeed destined to be disappointed. But Captain Law's case is not the only instance in which showy qualities have covered infirmity of purpose, or where pomposity and self-assertion in the cabinet have been mistakenly regarded as indications of ability in the field.

Nevertheless, at the commencement of his proceedings, Law

to possess himself of Volcondah, Clive showed considerable presence of mind, and attempted, though in vain, to rally the fugitives.* When the force retreated the following day towards Trichinopoly, Clive returned to Fort St. David, arriving there just as a reinforcement of about 400 men landed from England. One detachment of these he accompanied to Verdachelum, and a second to Trichinopoly, increasing the English garrison in that place to 600 men. Lieutenant Clive himself did not remain in Trichinopoly. What he saw there was not encouraging. The men were dispirited, and had lost all confidence in their officers; these latter were none of them remarkable for capacity or presence of mind. The French were superior in numbers, and seemed to be pushing their attack with resolution. The surrender of the last stronghold of Mahomed Ali appeared to him therefore to be inevitable, unless it were possible to infuse a sort of revolutionary energy into the councils of the English. To attempt this at Trichinopoly would be, he knew, useless. The fate of the English must depend upon the action taken at the Presidency. To rouse and influence it, he left therefore Trichinopoly and returned to Fort St. David.

• The plan which Clive had revolved in his own mind as the plan absolutely necessary for the safety of his countrymen, was due doubtless rather to his inborn genius than to extensive reading or study. It was nevertheless the plan which the greatest military leaders have loved to pursue,—a plan which, adopted by a man possessing daring and prudence, must always be successful, except when opposed by immensely superior numbers, or by genius of the very highest order. There is this, too, with respect to such a plan. No one but a great captain ever has tried it, ever could try it. It is too much for the spirit, for the capacity, of an inferior man. To him it seems too bold, too venturesome, too hazardous. It leaves too much at stake. And this,—though the plan is as safe as it is bold,—is safe because it is bold. We allude to the carrying the war into an enemy's country. The inferior general who hesitates to do this, though he sees that if it could be done it would save him and ruin his enemy, does not calculate on the inevitable effect which such a movement must produce on the "morale" of the force opposed to him, especially when that force constitutes the principal, perhaps, the entire available army of the enemy. He does not

* Orme states "Captains Gingen, Dalton, Kilpatrick, and Lieutenant Clive endeavoured to rally them, but in vain."

consider that such a movement must paralyse the onward march of his opponent. Yet history abounds with such examples. Even the great Frederic gave up, at a critical period, his movements in Saxony, when he found the Austrians were marching on Berlin. And if he, a consummate master of the art of war, would act thus, what may we imagine would be the effect of such a movement on men of inferior capacity? It must always be startling, almost always decisive.

Clive, we say, had arrived at such a conclusion by the mere force of his genius. He had the capacity to open the eyes of his mind, and see the result that must follow. He went therefore, on his return from Trichinopoly, direct to the governor, Mr. Saunders; pointed out to him, how, if matters were allowed to take their sluggish course, Trichinopoly, and with it, English interests, must fall; that Chanda Sahib, having brought all his resources to bear upon the siege, had left his capital comparatively unguarded; that there was no force of his or of the French in the field; that Law was at Trichinopoly, Bussy at Aurungabad; that, therefore, a blow might be struck at the heart of the enemy's possessions, which, if successful, would either force him to leave his hold on Trichinopoly, or would open out a new field for military operations, success in which would compensate for the loss of that place. To add force to his proposition, he offered to lead himself the troops that might be destined to carry* it into effect. Mr. Saunders, who had been appointed governor the preceding year, was a man who possessed the not inconsiderable merit of appreciating the large schemes of others, though he might not have been equal to devising any of his own. He cordially received the propositions made to him by Clive; placed under his command a force of 200 Europeans and 300 sepoy,—thus reducing the garrisons of Madras and Fort St David to their lowest point,—and crowned the whole by nominating Clive himself as commandant with the rank of captain, and with unlimited powers.*

Arcot, the place at which Clive aimed his blow, was the capital of the Carnatic,—the seat of the Nawab's government. At the time of which we are writing it was an open town possessing about 100,000 inhabitants. There was, it is true, a fort with the outward signs of fortifications, but these had long since fallen into decay. The ramparts were

* Mr. Orme states that besides Clive, there were but eight officers with this force, six of whom had never been in action, and four of the six were members of the mercantile service.

in a state of ruin, and the bastions were crumbling from age and want of repair. The garrison, entirely native, consisted of about 1,000 men, nearly one half of whom were cavalry; to the native gunners, however, had been attached two or three French artillerymen for the purpose of instructing them in the European method of rapid firing. These were at the time in Arcot.

To attack and take possession of this place, Clive, at the head of the force above detailed, left Madras on the 6th September on the 11th, after halting one day at Conjevaram; he arrived within ten miles of the capital. Thence he resumed his march, and, notwithstanding the unpropitiousness of the weather, which displayed itself in a thunder-storm of almost unprecedented violence, arrived the same day at the very gates of Arcot. The news of his march had preceded him, and the native garrison, terrified at the idea of opposing a man who could thus bid defiance to the elements, had hastened to evacuate the place. Clive therefore entered it without opposition, and, prescient as to the effect which its capture must have upon the enemy, proceeded at once to repair and improve its fortifications.

This successful occupation of the capital of his native *protégé* and ally, whilst it surprised and vexed, did not at all disconcert, the active-minded and energetic governor of Pondichery. If Clive had calculated that his raid would lead at once to the abandonment of the siege of Trichinopoly, he found himself mistaken. Dupleix, in fact, looking at matters with the glance of a statesman and a general, saw that notwithstanding this diversion, the chances were still ten to one in his favour. It was by pressing more earnestly the siege of the strongly fortified Trichinopoly, the last refuge of Mahomed Ali, that he felt he could conquer Clive in Arcot. He therefore bent every energy of his mind to increase and render effective the force under Law. He sent him Europeans from Pondichery, and a battering-train from Karikal, and he urged both upon him and Chanda Sahib the urgent necessity of permitting no consideration whatever to interfere with the pressing and absolute necessity of conquering Trichinopoly. This was the true policy for nullifying and defeating the daring action of Clive.

But, unfortunately for Dupleix, he was badly served. Law's action will be hereafter referred to. As for Chanda Sahib, no sooner had he heard of the capture of Arcot, than deaf to the entreaties of Dupleix, blind to his real interests, he insisted on detaching 4,000 of his best troops to retake his

lost capital. This force, as it passed Pondichery, was strengthened by 100 Europeans, and, increased by other native levies to the number of 10,000 men, marched under the command of Raja Sahib, son of Chanda Sahib, upon Arcot.

The siege which followed not only presents one of the most glorious pictures of Anglo-Indian history, but it may be considered likewise as the turning-point in the Eastern career of the English,—the foundation-stone of their present empire. It was at Arcot that English officers taught their sepoys to follow them with the implicit confidence which superior skill and energy alone can inspire; it was at Arcot that they too learned the lesson, followed up afterwards with such magnificent results by their leader at that place, that in Asiatic warfare the question of numbers is merely a secondary consideration; that discipline and the self-confidence born of it are of infinitely greater importance; that there is nothing which a capable general, one who can impress his spirit on his soldiers, may not prudently attempt against an undisciplined enemy. It was at Arcot, in fine, where the Anglo-Indian army received its baptism of victory.

The incidents of that famous siege are well known to the readers of Anglo-Indian history.* On the 4th October, Raja Sahib took possession of the town, and commenced the investment of the fort. On the 5th, the besiegers beat back a sortie headed by Clive in person. Fifteen days later their battering-train arrived, and on the 4th November, two 18 pounders from Pondichery. The garrison had been reduced to 120 Europeans and 200 sepoys. A reinforcement of 100 Europeans and 200 sepoys, sent from Madras and commanded by Lieutenant Innis, was attacked on the 5th at Trivatore, and forced to take refuge in Poonamalee. The garrison was thus left entirely to itself. Its stock of provisions, originally only a sixty days' supply, was more than half exhausted. On the 10th, a practicable breach, having been made in the walls, Raja Sahib sent to Clive a proposal to surrender, offering honourable terms to the garrison and a considerable sum of money to himself, and accompanying it by a threat to storm the fort and put the garrison to the sword, if his proposition were not acceded to. In reply, Clive rejected the proffered terms, contemptuously as regarded the money, and tauntingly with respect to the threats.

* The detailed account of Orme and the brilliant sketch of Macaulay leave nothing to be desired on this head.

For some days Raja Sahib yet hesitated. He might still indeed, had he been left alone, have forced the evacuation of the fort by a continued blockade, for he was well aware of the attenuated state of the supplies within its walls. But, all this time, Mr. Saunders, the governor of Madras, had exerted himself with unsurpassable energy to deliver his young captain from his difficult position. First, by reinforcements to Lieutenant Innis, under a more experienced officer, Captain Kilpatrick, he had enabled the detachment to march from Poonamalee in the direction of Arcot. But, secondly, and with a far more important effect upon Raja Sahib, he had induced the Mahrattas to take up arms on behalf of Mahomed Ali. A body of 6,000 of these, under the command of Morari Rao, had been for some time awaiting the course of events in the pass of Damalchery.* But, though nominally the allies of Mahomed Ali, the fortunes of that chieftain were at so low an ebb that they hesitated to commit themselves in his favour. The sturdy defence of Arcot, however, had not been without its effect upon these hardy warriors. In the handful of men who had defended its dilapidated fortifications against numbers so superior, they recognised soldiers worthy of their alliance. They determined therefore, without further hesitation, to cast in their lot with the English.

The intelligence of this finally determined Raja Sahib. He had to choose between an encounter with Morari Rao in the field, supported by a sortie from the garrison, or an immediate assault. With correct judgment he chose the latter alternative, and, on the evening of the 24th November, made his preparations for the storm. Unfortunately for the success of his plans, however, a deserter disclosed them to Clive; when, therefore, his troops advanced, early on the following morning, to the assault, they found that every possible preparation had been made to receive them, that cannon were pointed at the breach, that spare muskets were loaded and in readiness, and that the small garrison had, by the ability of their commander, been utilised so as to supply by their skilful disposition the paucity of their numbers. Nevertheless, preceded by elephants to burst open the gates, the native troops of Raja Sahib advanced boldly to the attack. Unsupported as they were by the French contingent, which strangely kept aloof, they mounted the north-west breach, passed the first trench, and charged the English drawn up to receive them. They were however received with such a terrible and continuous fire, spare muskets lying handy for that purpose, that after vain efforts, in which they

lost their gallant leader, a Mahomedan, they recoiled. The attack on the south-west made by means of a raft thrown across the wet ditch was equally unsuccessful, and at the end of an hour, it became evident to Rajah Sahib that his attack had failed. His loss amounted to 400 men, slain whilst gallantly attempting to storm a fortress defended by Europeans, few indeed in number but strong in discipline, and commanded by a hero. No greater proof indeed could be given of the means at the disposal of the defenders, than this, that although not exceeding 200, including sepoy, in number, they, besides serving five pieces of cannon, fired off during this hour's attack, not less than 12,000 musket cartridges! *

The following morning, Raja Sahib raised the siege and retreated on Vellore, accompanied only by the French and the troops which had been sent from Trichinopoly, all the rest deserting him. Here we will leave him whilst we describe the effect of this repulse on the French leader himself.

We have already stated that Dupleix had never regarded the attack upon Clive as aught but a very minor and subordinate part of his great scheme. He had strenuously opposed the weakening of the force before Trichinopoly for the purpose of aiding in any such enterprise. And when, owing to the fears of Chanda Sahib, the native portion of that force was temporarily diminished, he had reinforced it by 100 Europeans, chiefly with the view of enabling it to contend, without certainty of defeat, against the English. His hope was that, thus reinforced, Raja Sahib might detain Clive in Arcot until Trichinopoly should be taken. It was a well-considered policy, the success of which was seemingly certain, provided only that skill and energy directed the movements before the walls of Trichinopoly.

We see then Dupleix, in this crisis, fully alive to all its dangers; detecting the able conceptions of Clive, and taking the measures which, properly carried out, would have thwarted them. We see him, so far from being deterred by Clive's march upon Arcot from prosecuting the siege of Trichinopoly, pressing that siege with greater eagerness than ever; at the same time that he offered to Clive's movement an opposition just sufficient to secure for himself time to carry out, unmolested, the great object of the campaign.

We left Law before Trichinopoly at the head of a force of about 400 Europeans. All the energies of Dupleix had been from the first directed to increase the number of these to a force that should be irresistible. Every detachment that landed from Europe, every party that could be called in, was used for this end. They were all sent off to the plain before Trichinopoly. So energetic was Dupleix, so earnest and enthusiastic in all he did, that in an incredibly short space of time Law saw himself at the head of one of the largest disciplined forces that had till then operated in the interior of the Carnatic, amounting of all arms to nearly 900 Europeans and 2,000 disciplined sepoys; whilst, encamped beside him, aiding him in all his undertakings, was the native army of Chanda Sahib, in number nearly 30,000, a very large proportion of whom were horsemen. Besides these he had a park of fifty guns, many of them of a very large calibre. The most pressing orders were at the same time sent from Pondichery to push on the works, in order to capture the place before the operations of Clive should make themselves felt in the vicinity. Law in consequence made a great show of activity, and succeeded in submitting the garrison to a strict blockade. This however was all he did do. The man so bold and vaunting in council, whose pre-eminent object in life seemed to be to impress others with a sense of his great cleverness, showed himself, in command of an army, to be absolutely incapable. Overbearing to his officers, suspicious of everybody, haughty, vain, and obstinate, unenterprising himself and checking enterprise in others, Law gained no confidence and conciliated no opinions. Like an obstinate commander, deficient in vision, who, unable to see himself, distrusts the eyesight of others, and thus allows opportunity after opportunity to slip away, so did Law, headstrong and incapable, persist in measures that were useless, and reject counsels that might have led to easy victory. The English that garrisoned Trichinopoly were led by Captain Gingen, of whose inferior abilities we have already spoken. They were animated by a spirit far less buoyant than that which had induced the soldiers of Clive to dare so many dangers and difficulties. They were dispirited by defeat, by retreat, and by being cooped up in a fortress, which they appeared to have but small chance of defending with success. An assault on the part of Law would almost certainly have succeeded. This was pressed upon him from all sides, by Chanda Sahib as much as by Dupleix. But, confident in his own cleverness, despising or affecting to despise the opinions of others, Law clung to his own courses, and

adhered to the safe blockade which, he thought, would in the end pull him through.

Yet, even in this course, he showed singular blindness, and extraordinary deficiency in even the ordinary arrangements of his camp. The ruler of Mysore, encouraged by the resistance which Trichinopoly was making, and by the diversion of Clive, had sent a detachment of 500 Mahratta cavalry to harass the besiegers. These not only defeated a small body of native horse, but were even successful, thanks to the want of order and arrangement in the French camp, and of spirit and enterprise on the part of the French leader, in entrapping sixty French dragoons into an ambuscade, and in destroying all but ten of that number. They were so encouraged by this success, that their leader, Innis Khan, proposed to Captain Gingen that he should march out with his English, and attack the united army of the besiegers. If Gingen would do this, and would undertake with his troops to engage the French, he promised, on his part, to encounter the entire cavalry of Chanda Sahib, though out-numbering them in the proportion of twelve to one. This was at first declined. On receiving however a reinforcement of 1,000 men, Innis Khan renewed his proposition. Captain Gingen being still unwilling, the commander of the Mahrattas did not hesitate to tell him that he and his soldiers were of a very different nature from the men he had seen fighting so gallantly at Arcot.* Captain Gingen was apparently confirmed in his objection to active measures by the ill-success of a small force he had detached against the little town of Kistinwaram, thirty miles from Trichinopoly, occupied by the French,—the force having been repulsed with some loss, and their leader, Captain Cope, mortally wounded.

The measures of Law, unenterprising as they were, seemed then to be on a fair way to success. But he forgot that there were other actors on the scene besides himself. He forgot that the time, with which he was trifling, might be used to good purpose by his opponents. He forgot, or, at least, acted as if he forgot, that his army and the fortress of Trichinopoly were not isolated from all the world; that, if he looked upon its capture as the final seal to French domination, others were determined to use every means in their power to prevent it. Thus it happened that he slumbered whilst others acted. When a little energy would have given him possession of the coveted prize, he was content to act with more caution and more reserve than might have been expected even from a Nicias; nay more, he absolutely

* Orme.

threw away chances, courted defeat, and, by his conduct, gave to his rival that empire of the East, which, but for him, might have been gained, for at least a time, by the French. For whilst Law, disregarding the entreaties of Dupleix, slumbered before Trichinopoly, the daring energy of Clive was gaining for England advantages and resources of which the French were thus deprived. No sooner had the youthful victor of Arcot seen the besieging army of Raja Sahib melt away from before him than, having received the reinforcement commanded by Captain Kilpatrick, and having made the necessary arrangements for the defence of the capital, he had conquered, he set out in pursuit of the enemy at the head of 200 Europeans, 700 sepoys, and three pieces of field artillery. Notwithstanding that his Mahratta allies, venturing too close to Vellore, had sustained a severe defeat at the hand of the French who were with Raja Sahib, and that a reinforcement of these from Pondichery had effected a junction with their countrymen, raising their number to 300, Clive did not hesitate to move in their direction. After a forced march of twenty miles he came up with them as they were preparing to cross the Arni. With their usual gallantry, the French turned to meet their rivals, but, though somewhat superior in numbers, they were absolutely deficient in that one necessity, the possession of which by the English would have made up for even greater disparity. The force under Clive consisted of 200 Europeans, 700 sepoys, and 600 Mahratta horse. With the French, 300 in number, were 2,500 foot, and 2,000 horse levies. But whilst they had no general, the English had Clive. The consequence was that the French badly posted, and having no competent commander, were completely outmanœuvred. Charged in their flank at a critical period of the action, they were forced to abandon the field, and with it their guns, to the enemy. They retreated thence hastily on Gingee with a loss of 50 Europeans and 150 natives, killed and wounded. The English lost not one of their own countrymen and but eight sepoys; of the Mahrattas about 50 were missing.*

Encouraged by this success, Clive marched on Conjeveram, which had been meanwhile retaken by the French, reduced it after a smart resistance, and then returned to Fort St. David to concert measures for the relief of Trichinopoly. Whilst engaged in this important design, intelligence reached the Presidency that Raja Sahib, taking advantage

of Clive's absence, had recovered Conjeveram, and had ravaged the country up to within a few miles of Madras itself. Determined to clear the province of this enemy before venturing on the greater achievement, Clive left Fort St David at the head of a force which, though inferior to that of the enemy, was yet considerable. The terror of his name preceded him. Raja Sahib and his French allies at once abandoned the vicinity of Madras, and retreated to an entrenched camp at Vendalore. Here, however, they seem to have conceived the design of surprising Arcot, whilst Clive should be engaged in the reduction of Conjeveram. Strengthening this place, therefore, they moved by forced marches upon Arcot. But Clive, suspecting their design, managed to procure the surrender of Conjeveram on the first summons, and then hastened in pursuit of the enemy. He found them a little after sunset, strongly posted at Covrepauk, about two-thirds of the distance on the road to Arcot, evidently determined to resist his further progress. This time their artillery was so skilfully posted, and committed such havoc amongst the English gunners, that it appeared as though Clive would for the first time be forced to retreat. By means of one of his officers, however, who could speak French, the English leader, at the moment when matters seemed desperate, succeeded in deceiving the enemy's sentries, and in bringing a large force into their rear. These suddenly firing a volley, caused such a complete panic amongst the French, that they hastily abandoned their position and their guns, and fled as they best could. Many of them were taken prisoners, and by this artifice, an impending defeat was converted into a victory, till then, the greatest of the war. Another proof, if any were required, that valour and strong positions are useless if there is a general to attack, and none to defend them.

From the scene of this victory Clive marched to Arcot, and thence in the direction of Vellore. Whilst however, contemplating the reduction of this place which was held by Mortiz Ali on behalf of Chanda Sahib, he received instructions to repair instantly to Fort St. David, there to undertake immediate measures for the relief of Trichinopoly, the garrison of which was suffering from the close blockade persisted in by Law. On his way to that place he came upon the site of the victory gained by de la Touche over Nazir Jung, on which the rising town of Dupleix-Futtehabad, * was already

* Mr. Orme speaks of this town as having been built to commemorate that detestable action, the death of Nazir Jung. The prejudices and

struggling into existence. Allowing for the moment his hatred of the great French statesman to stifle his more generous instincts, Clive rased the town to its foundations. He then marched in all haste to Fort St. David. Here he found that the governor had been unsparing in his exertions to make provision for the contemplated enterprise. So great indeed had been his energy that in three days after his return, Clive found himself in readiness to march towards Trichinopoly.

This was on the 25th March, 1752. The following day however brought once more to the shores of India the tried veteran, Major Lawrence. His arrival caused a delay of two days, as well as some change in the position of affairs. On the 28th, however, all was in readiness, and a party of 400 Europeans and 1,100 sepoys, with eight field-pieces, escorting military stores and provisions, set out that morning for Trichinopoly under the command indeed of Lawrence, but with Clive as his trusted subordinate.

It is time now that we should return to Dupleix. He it was who, at the time when he learned that Clive had proceeded to Fort St. David to concert measures for the relief of Trichinopoly, had, considering it no disgrace to learn something even from an enemy, instigated Raja Sahib to make that raid into the English territories, the results of which we have recorded. Though unsuccessful, it cannot be denied that it eminently deserved to succeed, that it had almost succeeded, when at the moment, when victory was in their grasp the carelessness of the French commander at Covrepauk threw it absolutely away. Dupleix was terribly mortified at this failure. For the moment indeed it entirely upset his plans. The fear at Covrepauk had not only deprived him of soldiers whom he could scarcely spare, of field artillery that was priceless; but it had cast down the spirits of his native allies to an unprecedented and even dangerous degree. No longer could he hope by their aid to effect a division in the northern part of the Carnatic. The English had not only gained territory, but with it, of more importance, the confidence of the military class. Desertion by wholesale had taken place from the French to the English standard. More than one important satrap had renounced his adherence to Chanda Sahib, and taken the oath of fidelity to

passions of the hour may have disposed contemporary Englishmen thus to regard it, but the statement is incorrect. The town was built to commemorate the triumph of Dupleix's policy, brought to its crowning point, by the victory of *de la Touche*. The death of Nazir Jung was an incident of that victory, for which the French were not responsible.

the besieged Mahomed Ali. And this was the consequence of the victories of Clive, of the repeated defeats sustained by the French, more especially of the fatal disaster at Covrepauk. To see advantages there so nearly gained, so carelessly abandoned, was more than even the composed spirit of Dupleix could bear. Those of his own officers indeed who he could have made responsible for the disaster had either been captured or killed. Upon Raja Sahib, whose pusillanimity and incapacity had been conspicuous, the weight, therefore, of his anger fell. For several days he refused to see him, and when at last they did meet, he showed towards the son of Chanda Sahib a feeling of contempt, which it was impossible for him, practised as he was in dealing with native princes, to conceal.

But though mortified beyond measure at the ill-success of plans which so well deserved to succeed, Dupleix still adhered to that bold and daring policy, which he justly regarded as more than ever necessary to the attainment of his vast plans. What had been lost in the northern Carnatic might be gained in the south. Trichinopoly might make amends for Arcot and Covrepauk. And now, Trichinopoly was apparently at its last gasp. Without money, with little ammunition, with deficient and failing supplies, with a European commandant devoid of ability, the English garrison and the Mogul soldiers and their leader had already begun a course of recrimination, which, occurring between allies, is the almost invariable precursor of disaster. A little more energy on the part of Law, and the place must have fallen. It was at this crisis that intelligence reached Dupleix of the measures that were being concerted at Fort St. David. The number of the men destined for the relief of Trichinopoly, the nature of the stores they were to escort, the probable date of their departure,—all were known to him. He instantly took a resolution worthy of himself. Detailing to Law the information which he had acquired, he sent him, at the same time, the most stringent orders to mass a great number of his troops, leaving only a few to maintain the blockade of Trichinopoly, in order to attack and intercept the enemy's convoy. These orders were reiterated and enforced in successive despatches. The very mode in which they could be carried out was indicated with a clearness which left nothing to desire. He sent him besides all the troops that had become available by the cessation of campaign in the North-Carnatic, enjoining upon him that upon this stroke depended the issue of the campaign,—that the English beaten and the convoy captured, Trichinopoly must surrender, French influence must

triumph; that failing in this blow, France would have the mortification of seeing her power, her influence, her authority so dearly gained and till then so vigilantly maintained, transferred to her hated rivals.

It was indeed a grand opportunity. Had there been a Bussy instead of a Law in the French camp, who can doubt how he would have executed the instructions of his superior? But unfortunately for the real interests of France, Bussy, the true soldier, was far away at Aurungabad, and Law, the pretender, was before Trichinopoly. It is vain indeed to speculate whether in the concussion between the rival and not unequal powers of Bussy and Clive, the latter or the former would have come forth the victor. This at least is certain that the youthful hero who laid the first foundations of English empire in India, though displaying on all occasions military talents and resources of the very highest order, never did meet on the field of battle an opponent of even ordinary merit.

We will now see how Law used his opportunity. The distance from Fort St. David to Trichinopoly being about 150 miles, and the route necessitating the crossing of eight considerable rivers, amongst which were the Valaru, the Coleroon, the Veller, the Pudu Cauveri, and the Cauveri, the latter three times, Law could calculate to a nicety the time and the means for best attacking and crushing the enemy. The necessity for the passage of so many broad and rapid rivers multiplied his opportunities for defending them. But he judged, it would seem wisely, that he would himself run less risk, and would ensure the more complete destruction of the enemy, if he were to allow him to approach within an easy distance of Trichinopoly, and were then to engage him in a position in which his defeat would be certain. So far Law judged correctly and wisely. But in the execution of this plan he failed lamentably. Instead of detaching from his own force a body of troops sufficient in number to render success a matter of certainty, he sent to meet a party of 400 Europeans and 1,100 sepoy, commanded by such men as Lawrence and Clive, a force consisting of but 200 Europeans and from 3 to 400 natives. He did this too at a time when the troops at his own disposal, independently of the levies of Chanda Sahib, consisted of 900 Europeans and about 2,000 sepoy. Well could he have spared one-half of this number for the important service he had in view! Far safer would it have been for him to have undergone the small risk of a sortie on the part of the English garrison, commanded, as it was, by a man whom recent experience had proved to be unenterprising, than to have courted defeat by sending against Lawrence a force which must have been beaten. He

might under the circumstances have safely left his camp under the protection of one-fourth of his army, and have marched with the rest to crush Lawrence. So would have acted a real general,* but experience has abundantly proved that over-caution and incapacity in the field are the almost invariable accompaniments of superciliousness and self-laudation in the cabinet.

Having persuaded himself that he could only, with safety to his main force, detach 250 Europeans and 3 or 400 natives to crush 400 English and 1,100 sepoy, commanded by Lawrence and inspired by Clive, Law sent them to occupy the fortified post of Coiladdy, on the northern bank of Cauveri river. The position was not ill-chosen, and, had it been occupied in sufficient force, would undoubtedly have proved an unsurmountable obstacle to the advance of the English. A glance at the map will show the inherent strength of this position. The advance of Colonel Lawrence must necessarily take place between the two branches of the river Cauveri. Of these, the upper branch was defended by the fortified post of Coiladdy on its northern bank, unassailable by the English. Between the northern and the southern bank the distance was less than half a mile. Possessing Coiladdy, and having an equal or superior force available to occupy the ground between the two branches, it would have been easy for the French commander to have inflicted upon an advancing enemy a crushing defeat. As however the defending force did not nearly equal in number the advancing foe, its commander resolved not to attempt anything desperate. He considered however that as the ordinary road led directly within shot of Coiladdy, and that the English would probably follow it, he would be able, not only to inflict upon them considerable loss in men, but to capture or destroy a great portion of their convoy. Chance, at first, seemed to favour his designs. On the 7th April, Major Lawrence, misled by his guides, took his force even nearer to the upper branch of the Cauveri than would have been the case had he followed the ordinary route, and found himself all at once under the fire of the guns of Coiladdy. These did considerable execution, and before he could move out of range, he had lost 20 Europeans, and his convoy and baggage had been thrown in great disorder. This was the time which the French force, had it been strong enough, might have used with crushing effect. But its commander had apparently

* The behaviour of Lord Strathnairn before Jhansie in 1857, under circumstances not dissimilar, presents a striking instance of the manner in which an enemy marching to relieve a besieged place may be met and destroyed.

imbibed the hesitating and unenterprising nature of his chief. Partly on this account, partly doubtless because he felt himself tied down by the orders he had received, he remained stationary in his stronghold. Major Lawrence therefore was able not only to succeed in extricating himself from his position, but in safely conveying that portion of the convoy* he had with him to within ten miles of Trichinopoly.

Thus failed, and failed deservedly, Law's first attempt to crush the advancing English. Like all the measures of weak men it was a half measure, and was therefore ineffective. Fearing to run the risk of an attack from the garrison should he detach a strong force to meet Lawrence, he sent only a weak one, and thus incurred the greater risk of losing his whole army. For he exposed his force, first, to the risk of being beaten in detail; secondly, to its being overwhelmed by the combined forces, superior in numbers, of Lawrence and Gingen. To avert a very small risk therefore, he ran a very great one, and drew upon his force the destruction in which a bolder course of action would most probably have involved the English. It is a crisis of this nature which really tries a man, which tests the material of which he is made. Law failed because, with all his pomposity and arrogance, he was essentially a man of a limited intellect and narrow views.†

His next measures appear to have been conceived in no abler spirit. Receiving intimation from the commandant of the detachment at Coiladdy that he had been unsuccessful in preventing the advance of the English, it was even then possible for him, commanding as he did the high road from that place to Trichinopoly, as well as the country in its neighbourhood, to atone, by a combined attack, for his previous inaction. But although he had for some time been well acquainted with all the movements of Major Lawrence, he had made no effort to mass his forces. They lay scattered in the various posts he had assigned them. When therefore the news reached him that the English had passed Coiladdy, he was for the moment, thanks to his own negligence, entirely

* He had left the remainder the previous day at Trictapolly, on the south of the upper Cauveri, a post belonging to the king of Tanjore.

† We are well aware that Law, in his "*Plainte contre le sieur Dupleix*," attempts to justify himself, but, admitting his facts, he must still be condemned. Had he, as he asserts, only 600 Europeans, he should either have raised the siege, or have marched with those to crush Lawrence. Any course would have been preferable to that which he adopted.

without the means of offering an instantaneous obstruction to their further advance. Seeing nevertheless the great advantage over him which the enemy would certainly obtain, should they effect a junction with the garrison of Trichinopoly, he hastily called in his scattered detachments, prepared, when too late, to risk a general action. Such a resolution, taken twenty-four hours earlier, might have saved his army, and even have gained Trichinopoly.

This movement could not be effected till the following morning. All that night the detachments moved into camp, and at daylight the force proceeded to take up the position assigned to it by Law, and upon which, he fondly hoped, the English general would march. Yet, this position, although strong, was in a certain point of view almost necessarily ill-chosen. Law was too close to Trichinopoly to draw up his men so as to bar the road across which Lawrence must pass, for in that case he would have exposed himself to the serious danger of an attack on his rear from the garrison. He was compelled therefore to take up a position in which he could meet an assault from both parties on his front. In this view he drew up his forces in a line drawn obliquely from the village of Chucklepollam on the Cauveri to the French Rock, and extended thence still more obliquely to the almost inaccessible rock of Elmiseram. As the direct road to Trichinopoly lay between those two positions, Law was not without hope that the English would move upon them before attempting a junction with the garrison.

Major Lawrence however was far too wary. Marching early in the morning from Killycottah, where he had encamped the previous evening, he fell in, before he had gone more than a mile, with an officer sent by Captain Gingen to inform him of the disposition made by the French. Feeling that the game was too secure in his hands for him to risk the loss of it by a premature attack on a strong position, he made a *détour* round the point of Elmiseram in the direction of the Sugarloaf Rock, near which place he was joined by 200 soldiers of the garrison, under the command of Captains Clarke and Dalton. At this place, therefore, the junction with the garrison may be regarded as having been virtually effected.

It was just this moment, when the English could no longer be assailed with advantage, when they might, in case of defeat, have taken secure shelter under the guns of the fort, that the incompetent Law selected to assault them. Feebly made on his part, though supported with great resolution by the levies

of Chanda Sahib, his attack did not succeed. The superiority of the French in artillery was neutralised by the superior energy of Clive, who led the English to the attack; and after an interchange of cannon shot, considered, whilst it lasted, to have been hotter than any till then experienced on the plains of Hindostan, the French retreated to their rock with a loss on their part of 40 men, on the part of their native allies of 300. Had not Major Lawrence, in consideration of the intense heat of the day, stopped the pursuit, they would have suffered far more severely.* Having repulsed this attack, the English marched without molestation into Trichinopoly.

No language can paint the anger and mortification of Dupleix when intelligence of these events reached him. This then was the result of confiding the conduct of an army to a man whose principal credentials consisted in the super-excellent opinion which, he allowed all the world to perceive, he had formed of his own abilities. All his recommendations disregarded, inordinate caution prevailing when the necessities of the hour peculiarly required dashing and daring tactics, the English army, though encumbered by an enormous convoy, allowed to enter the beleaguered city virtually unmolested, —no serious attempt having been made to hinder them till they were under the walls of Trichinopoly! Was it for such a result that Dupleix had schemed and planned, that he had pledged the rising fortunes of French India to the support of native princes who should be but the puppets of France? Was it to see the superiority in the field passing from his hands to the hands of his hated rivals, to witness not only the loss of the capital of the Carnatic, but a repulse from the last refuge of Mahomed Ali? He was fated indeed to suffer disappointments more bitter even than these. But up to the present moment he had been so thoroughly buoyed up by hope; he had trusted that when the time came Law would show himself what he had always boasted himself to be: above all, he had counted so implicitly on the capture of this convoy, on the destruction or, at least, the repulse of this relieving party. To this end he had devoted all his faculties. He had been to Law the eye to see, the ear to hear; it was not, alas for him, in his power to be the mind to conceive or the arm to strike. He had given Law all the necessary information; the rest, being soldier's work, he had left to him as a soldier to perform. The result showed

* The English, who fought under cover, lost 14 men only from the cannonade, 7 however were struck down by the sun.—*Orme*.

that the mere donning of epaulets does not make a man a soldier; that if devoid of the intellect given by God to a man, and not, as some would seem to think, implanted in the dress he wears, that very dress and the fancied knowledge attaching to it makes the pedant more pedantic, the shallow-minded and narrow more vain, more obstinate, more contemptuous of the opinion of the many wiser men who wear it not.

Law had come out to Dupleix recommended by letters from the directors and by his own vauntings,—the latter probably the cause of the former. Had he, who boasted himself as a soldier, acted even as a man of ordinary common sense would have acted, it might have been pardoned him had he failed in fair fight before the genius of a Clive and the persistence of a Lawrence. But it is clear that he would have failed equally before men of far inferior capacity. It needed but for his opponent to be capable of advancing,—a rarer quality, however, than is generally supposed,—and Law would have succumbed. He did everything out of season, and the reason was that although he wore a soldier's coat he was not a soldier.

How keenly Dupleix felt the bitter disappointment can scarcely be described, nor will we attempt to describe it. We would rather dwell on the measures which, in spite of his disappointment, he adopted unhesitatingly, to remedy, as far as possible, the disaster. His was indeed no easy position. Where was he to find a general? Bussy, the only competent commander he had under him, was at Aurungabad with the Subadar; Law, helpless at Trichinopoly. Besides those two, there was but the infirm d'Auteuil, disabled by the climate, by age, and by gout, incapable certainly of making head against the vigorous energy of Clive. It seemed almost preferable to maintain Law, who was at least still young, in command, than to entrust the last remains of the army to d'Auteuil.

Before however he could take any measures in this respect, in fact the second day after he heard of the entrance of Lawrence into Trichinopoly, Dupleix received from Law a despatch which threw him into even greater amazement. This was to the effect, that, threatened by the English and despairing now of gaining the place, he had determined to retreat at once into the island of Seringham. The madness of such a scheme was patent to the far seeing vision of Dupleix. It seemed to him indeed that for a general deliberately to move his forces into an island, where he

would be cut off from all communication with his countrymen, was an act of which no one, who had not lost his head, could be guilty. There could not, he felt, be a more dangerous, a more incompetent commander at the head of an army than the man who should propose such a step. Under such a feeling he instantly acted. Hoping that it might not possibly be yet too late to avert a great calamity, he sent strict orders to Law to retreat, if he must retreat, not into Seringham, but upon Pondichery. With the view of aiding him in this undertaking, and to be prepared at all events for the worst, he strained every nerve to levy a fresh force to move towards Trichinopoly, and to endeavour to effect a junction with Law. His own funds, constituting the bulk of the private fortune he had amassed during his service, were freely spent for this purpose. No regard for his own interests stood in the way of the performance of his duty to his masters and to France. Thus, by incredible exertions he succeeded in raising a force of 120 Europeans, 500 sepoys, and with four field-pieces. The command of it he made over to d'Auteuil, the only officer at his disposal, with instructions that on effecting a junction with Law, he was to assume command of the combined army. The party left Pondichery the second week in April.

Meanwhile, however, startling events had occurred in the neighbourhood of Trichinopoly. Law, although repulsed on the 8th April in his attempt to prevent the march of the English into that fortress, still occupied an extremely strong position. His right resting on the Cauveri, maintained his communications with Seringham and with the country on the northern bank of the Coleroon; his centre was protected by the French Rock, whilst his left extended to the extremely strong post of Elmisseram, on the top of which cannon had been mounted. Chanda Sahib with his troops occupied the line of the Cauveri, forming an obtuse angle with the French position. Had the resolution of Law then consisted in anything but words, he might have safely awaited here the attack of the combined English force; for, although he would then be fighting with a river in his rear,—a most unpleasant position,—yet the ground he occupied was so strong that had it been resolutely defended, an attack upon it must have resulted in the defeat of the assailants. It would appear that the English commander, Major Lawrence, thoroughly recognised this fact, for he states in his memoirs that having sounded his native allies and having ascertained that on one pretext or another, they were evidently unwilling to aid him in an assault on the French position, he was extremely

concerned as to the steps he ought to adopt to force Law to retreat.

Law, however, played his game most effectually. The English, not thinking themselves strong enough to attack the French position unsupported by their native allies, had resolved to beat up the quarters of Chanda Sahib. For this purpose, a detachment of 400 men under Captain Dalton, moved out of Trichinopoly on the night of the 12th April, hoping to surprise the native levies. Unacquainted however with the road, they found themselves at break of day in front of the strongest part of the French position between the French Rock and Elmiseram. Discovering at once the danger which they ran of being crushed by the entire French force, they endeavoured to retreat without being perceived. The morning light however warned the French of their presence before they were out of danger, and the chances seemed all to be in favour of their destruction. But the sight which would have lent vigour and energy to an ordinary man, which would have been used by Clive to make his own cause triumphant, added terror and dismay to the palsied faculties of Law. Far from regarding the retreating English as men who by an energetic movement he could cut off and destroy, he looked upon their presence there as an indication that he and his force had been subjected to imminent peril, from which they had miraculously escaped. Instead, then, of moving to attack them, he rejoiced at their retreating of their own accord. His apprehension indeed carried him so far as to direct that, as soon as the English should be well out of sight, preparations should be made for an immediate retreat across the Cauveri into the island of Seringham.

It would appear, indeed, that this movement had been for a long time contemplated by Law, for he had often insisted upon its necessity to Chanda Sahib, and had even mentioned it in his letters to Dupleix. But Chanda Sahib, a better soldier than Law, had not only pointed out the insensate folly of the movement, but had absolutely refused to join in it; whilst Dupleix, though for a long time not regarding it as serious or possible, had pointed out in the clearest terms that such a movement would, more than any other, compromise his own force and the interests of French India. When finally he heard that it had been decided upon, he had replied, as we have already stated, by an imperative order to retreat upon Pondichery, and by the supersession of Law by d'Auteuil. It is difficult indeed to believe how a man in

the possession of his senses could have persuaded himself that Seringham was a proper place to retreat upon. It was, in the first place, actually within long cannon-shot of Trichinopoly. In the second place, the fact of a small force remaining in an island,—the river surrounding which could be crossed,—in the course of their retreat from a superior force, was surely to invite an enterprising enemy to cut them off, to force them in fact, unless relieved, to a surrender. To attempt such a movement in the presence of a Clive was a species of folly which that man only could have committed, whose nerves and whose senses had been utterly prostrated. Of all places that could have been selected for such a purpose, Seringham was, without exception, that one, which most completely shut the door of hope on the force occupying it.

Yet this was the place to which Law had resolved, not by a sudden inspiration of folly, but after many days of painful consideration, to carry over the French army. But though the matter had been long pre-determined in his own mind, he had made no preparations for carrying his plan into effect. Perhaps he had hoped that after all it would not be necessary. This at least is certain that up to the moment when the appearance of the English retreating from before his own position brought so vividly to his own mind the idea of the dangers that might be in store for him on the right bank, not a single preparation for that retreat had been made. Nevertheless, bent on effecting it he sent to Chanda Sahib, and to him communicated his resolution. This faithful ally of the French power received the intelligence with anger and disappointment. Not he alone, but his principal commanders, opposed it with all their resolution. Better far, they said, to meet defeat and death in open action, than to retreat to a position in which surrender must be necessitated. But all their remonstrances remained without effect on the paralysed spirit of Law. He would retreat, he said, they might act as they chose; and he issued orders at once to carry out his resolution. Chanda Sahib, though unconvinced, though despising the man, would not, at that dark hour, abandon the nation that had so long supported him. He might have escaped, but preferring to cast in his lot with the French, he accompanied them across the Cauveri.

Great was the confusion of the retreat. Not a single preparation had been made for it. The provisions, necessary for their support in Seringham, were abandoned and burnt. Much of their

baggage was left behind. The guns were with great difficulty transported. However, after infinite labour, the French troops and those of Chanda Sahib found themselves in occupation of Seringham, a detachment of the former only having been left to guard the rock of Elmiseram, which it would have been wiser to abandon with the rest of the position.

The natural consequences of this movement were soon apparent. First ensued the capture of Elmiseram, effected on the 13th April, by Captain Dalton, after a faint resistance. Next, the movement which Dupleix and Chanda Sahib had alike foreseen, the detaching of a portion of the English army to the northern bank of the Coleroon, in order not only to cut off their supplies, but to sever their communications with Pondichery. This measure was suggested to Major Lawrence by Clive, and the former, on consulting his native allies regarding it, found to his satisfaction that it met with their approval conditionally on the command of the English section of the force being entrusted to the conqueror of Arcot. This matter having been settled, a detachment consisting of 400 Europeans, 700 sepoys, 3,000 Mahrattas, 1,000 Tanjorean horse, with eight pieces of artillery, crossed the Cauveri and Coleroon on the night of the 17th April, and on the following morning took up a position at the village* of Samiavaram, nine or ten miles north of Seringham, and on the high road between that place and Pondichery. This masterly movement owed its success as much to the boldness of the English as to the nerveless despondency of the French leader. Had Clive been in the position of Law, what an opportunity here presented itself of placing the English in the position in which they had hoped to pin the French, by crossing the Coleroon, and taking them between the Seringham force on one side, and that of d'Auteuil on the other. But all spirit and sense had apparently fled from the counsels of Law. He acted, as though he had but one object,—that of delivering himself and his allies, bound hand and foot, to the enemy.

Meanwhile d'Auteuil, who had left Pondichery on the 10th April at the head of 120 Europeans, 500 sepoys, and four field-pieces, reached Ootatoor, fifteen miles north of Samiavaram, on the 25th of that month. Here he learned the situation of affairs; that Law was cooped up in Seringham, and that between Law and himself lay Clive at the head of a superior force. Though old, infirm, and gouty, d'Auteuil had still spirit left enough in him not to be disheartened by these tidings. He had been sent expressly to relieve Law, and he

could not leave him to himself without at least an effort on his behalf. Accordingly, he resolved to make a *détour* so as to avoid Samiaveram, and thus to reach the Coleroon without molestation from the enemy. He sent intelligence to Law of his intended movement, but, unfortunately for him, one of his messengers was captured by Clive.

Ignorant of this however, d'Auteuil set out on the evening of the 25th, taking a route to the westward; but he had not proceeded far before intelligence reached him that Clive, apprized of his movements, was on his march to intercept him; he accordingly returned to Ootatoor. Clive, learning this, moved back upon Samiaveram. Meanwhile, however, Law had learned from one of the messengers sent by d'Auteuil of his intended march. Certain information reached him at the same time of Clive's intention to intercept him. Here was a splendid opportunity. By making a forced march of ten miles from Seringham, with his whole force, he might seize Samiaveram whilst Clive should be engaged with d'Auteuil, and then press on to crush the former in the field. Of the many chances granted to the French leader, this was the last and not the least tempting,—not the least likely to lead to great and important consequences. To have even a probability of success however, it was requisite that Law should move with the bulk of his force, and should move with the rapidity of lightning. But this unfortunate leader, though a little braced up by the intelligence of the approach of d'Auteuil, was still incapable of real vigour or energy. Instead of moving himself at the head of his force, he detached only 80 Europeans, of whom 40 were English deserters, and 700 sepoys,* to carry out a scheme, upon the success or ill-success of which depended the domination of the French or English in India.

This detachment arrived at Samiaveram after Clive had returned from his fruitless search after d'Auteuil. Little thinking, from his experience of the character of Law, that there was the smallest fear of an attack from the side of Seringham, Clive had made no preparations to meet one, and had gone quietly to bed. The French detachment meanwhile had succeeded, by means of the deserters who formed a part of it, in persuading the English sepoys that they had been sent by Major Lawrence to reinforce Clive, and they thus obtained entrance into the very heart of the English camp, before the presence of an enemy was suspected there,

and whilst Clive was still sleeping. Yet sleeping though he was, the presence of that one man on the side of the English alone made the difference between victory and defeat. Had he been the leader of the French none can doubt but that they would have that night crushed their enemies in their camp, and have recovered all the results that had been so wilfully thrown away. But Clive was the leader of those opposed to them, and never did he vindicate so completely his title to be a leader of men, a prince amongst his people, as on that eventful night. Never did any one under such circumstances display a presence of mind more perfect, a courage more brilliant and ready. The circumstances were almost marvellous. The English force at Samiaveram occupied two pagodas, about a quarter of a mile distant from one another; round these were encamped the natives. Now the French force had advanced through the natives, and had penetrated to the lesser pagoda, in an open shed close to which Clive was sleeping in his palanquin. Here being challenged, they fired volleys into each place, one of them narrowly missing Clive, and most effectually awakening him. They then moved on, occupied the pagoda, and drew up the sepoys in front of it,—these keeping up an incessant fire in the supposed direction of the enemy. Meanwhile, Clive, on the first alarm, had run to the greater pagoda, and marched up 200 of his Europeans to see what could have caused the disturbance, still considering it a false alarm of his own sepoys, and never dreaming of an enemy. Approaching close to the lesser pagoda he went among the French sepoys, still believing them to be his own, and ordered them to cease fire. He did not even discover his mistake when one of them, ascertaining him to be an Englishman, wounded him in two places, and then, when attacked by Clive, ran towards the lesser pagoda. Clive followed him, only however to find himself in the presence of six French soldiers, who called upon him to surrender. Then, for the first time, the whole truth burst upon him. Comprehending it all in a moment, he called upon the Frenchmen to yield in their turn; told them he had even come to offer them terms, and invited them to see for themselves his whole army drawn up to attack them. Completely deceived by this bold and ready artifice, three of the Frenchmen at once laid down their arms; the remainder communicated Clive's terms to the party in the pagoda. These however refused to surrender, and it was not till after a most sanguinary contest, in the course of which Clive had another narrow escape,

caused mainly by the desperation of the English deserters, that they yielded to terms. The sepoy, meanwhile, had marched out of camp, but they were pursued by the Mahratta cavalry, and cut to pieces, it is said, literally to a man.

After this repulse, the situation of the French in Seringham became desperate indeed. Entirely to cut them off from all relief, as well as from all hope of escape, possession was taken by the Tanjorean allies of the English of Coiladdy on the 7th May. There then remained only M. d'Auteuil with whom to deal. To rid that part of the country of him, Major Lawrence, on the 20th, despatched Captain Dalton at the head of 150 Europeans, 400 sepoy, 500 Mahrattas, and four field-pieces,—leaving Clive's detachment entire at Samiaveram.

Meanwhile, d'Auteuil, scared by the ill-result of his attempt to turn Samiaveram, and of the well-meant but ill-supported attempt of the Seringham party to surprise that place, had remained quietly at Ootatoor waiting his opportunity. The opportunity came, but did not find him capable of taking advantage of it. In fact Captain Dalton's party, after a skirmish in front of Ootatoor, which had no decisive results, had advanced at once upon that place. Late experience had shown the English that the surest way to victory was to advance straight on,—to destroy by that advance the *morale* of the enemy, and thus to more than half beat him before the actual fight had begun. Acting on this plan, Dalton made such a display of his troops, maintaining only a few with his guns and sending the infantry to attack the enemy in flank, that d'Auteuil imagined that he had not simply a detachment, but the whole force of Clive, before him. Having this impression, all his intellect fled, and he became the slave of his fears. Had he been as bold as Dalton, a resolute advance on the guns must have decided the action in his favour. But, fear, not physical but moral, shutting his eyes and taking away his senses, he allowed himself to be deceived by this shallow device, and notwithstanding that he did actually repulse the English from Ootatoor, he abandoned that place in the night, and fled, unmolested, in the direction of Pondichery, thus leaving Law to his fate, to England an unlooked for triumph.

Whilst this was going on, Law, noticing from the watchtower of Seringham the march of Dalton's troops, concluded that they must belong to Clive's force, and, this time acting with boldness, crossed the river with the bulk of his army, hoping to gain Samiaveram. But Clive was not the man to expose himself

twice to the chance of being surprised. He at once marched to meet him, and came up with him just as he had crossed the Coleroon. It was not for Clive, under the circumstances, to seek an engagement. The enemy was already in the toils. A battle alone could extricate him. On the other hand, every circumstance should have induced Law to court an action. It was, as we have said, his only chance, and here the numbers were rather in his favour. But,—he did not fight;—he returned to Seringham, only, alas for French interests, to surrender.

The capture of Pitchandah, a fortified pagoda in the northern banks of the Coleroon opposite Seringham, completed the investment of the French, and took away from them the opportunity, till then open to them, of communicating in any way with the direct road from Pondichery. This place having been gained, still further to deprive them of all hopes of reinforcement from d'Auteuil, Clive marched in search of that officer, and coming up with him on the 8th June, at Volcondah, the native commandant of which place had been secretly gained by the English, he compelled him with his whole force to surrender.

Thus deprived of his last hope, what was there for the unfortunate Law to do? He, poor man, knew well, in his heart of hearts, to what end recent events had been tending, and for some days past he had been well aware that there was no alternative between cutting his way out and a surrender. Under such circumstances great men act; small men, on the contrary, allow themselves to be acted upon by every vague rumour, no matter whence it may have arisen; nay, they go so far as to delude themselves into the belief that somehow,—how they cannot say,—all will in the end be well. Thus it was with Law. He allowed himself to be deluded by all kinds of vain imaginings; for a long time it was d'Auteuil's advance; then it was the hope of reinforcements from France;—sometimes one thing, sometimes another. He appears never to have bethought him that a man's energy is given him to be employed; that there is no conjuncture, however trying, from which a man, by the exercise of that quality, may not extricate himself; that to depend on chance is altogether unworthy of a real man. Had he only dared to look facts in the face, he must have seen that he must surrender if he could not escape. His provisions were fast failing him, his native allies were deserting him in hundreds, but still he had his Europeans. In the beginning of June, there yet remained to him 750 of these, in addition to about

2,000 trained sepoys, and 3 or 4,000 native levies who still remained faithful to Chanda Sahib. With these he might easily have taken advantage of the first fall of the Cauveri to attack Major Lawrence's camp on the south of the river, to the troops guarding which he was in numbers vastly superior. Overpowering this, he might have thence cut his way, without much chance of molestation, to Karical. In vain did Chanda Sahib over and over again implore him to have recourse to some such means. He could not make up his mind, he preferred to depend on accidents and chances,—and he was lost!

Nevertheless, it must not be supposed that he was so base as to be indifferent to the fate of that faithful supporter of French interests. Law knew full well that but one result to Chanda Sahib would follow his surrender to the now triumphant Mahomed Ali. As for surrender to the English, that was absolutely out of the question, for France and England were not at war. In the contest between Mahomed Ali and Chanda Sahib, the French and English were not principals, they were simply hired mercenaries engaged on opposite sides. Whichever party might be victorious neither then could claim the open direction of affairs. A proposition of surrender to the English could not, therefore, and would not, have been entertained. As for Mahomed Ali, it was not to be expected that, brought up as he had been to regard all means lawful to accomplish the death of a rival, he would hesitate as to the punishment to be meted out to one who had proved himself so persistent, so daring, so fertile in expedients as the French-protected Chanda Sahib. Having rejected all bolder counsels, and having made up his mind to surrender, Law busied himself therefore to find the means of saving the life of his ally. For this purpose he entered into negotiations with Manockjee, general of the army of the king of Tanjore. This chieftain readily accepted the terms offered, and having received a stipulated sum of money in advance with the promise of more to follow, having likewise sworn solemnly to protect the life of the fugitive Nawab, Manockjee on the night of the 11th June, sent an officer with a palanquin to escort him to his camp. No sooner, however, had the unfortunate man arrived there, than he was violently seized, loaded with irons, and placed under a guard. The next morning a conference was held to determine his fate, at which Major Lawrence was present. There can be no doubt, whatever that a firm persistence on the part of that officer, more especially on the second day,—after the English

had become, by the surrender of Law, absolute masters of the situation,—would have saved the life of Chanda Sahib. Major Lawrence himself asserts that in the course of the debate as to the manner in which Chanda Sahib should be disposed of, he himself was at first silent, but subsequently proposed that he should be made over to the English. This however was objected to, and no resolution was arrived at. The second day after however, when Manockjee sent to enquire from him whether he seriously desired to have charge of the prisoner, the English commandant passed upon him virtual sentence of death, by declaring that he did not wish to interfere further in the dispute regarding his disposal.* A few hours later Chanda Sahib was stabbed to the heart by order of Manockjee, and his decapitated head was sent to his triumphant rival.

But before this tragedy had been consummated, Law himself had surrendered. Resting on the broken reed of delusive expectations, he had allowed every opportunity to pass

* This indifference,—to use a light term,—of the English commander to the fate of Chanda Sahib has been very gently treated by most English historians. The statement however of Orme, biased as that writer is against the French, shows how completely it was in the power of Major Lawrence to have saved Chanda Sahib, had he chosen to stretch forth his hand. Orme, after alluding to the contest between Mahomed Ali, the Mysoreans, and the Mahrattas for the possession of the person of Chanda Sahib, writes thus:—"Terrified at the commotions which would inevitably follow if he gave the preference to any one of the competitors, he (Manockjee) saw no method of finishing the contest, but by putting an end to the life of his prisoner; however as the Major (Lawrence) had expressed a desire that the English might have him in their possession, *he thought it necessary to know whether they seriously expected this deference*, and, accordingly, on the same morning that the pagoda surrendered, went to the Major, *with whom he had a conference which convinced him that the English were his friends, and that they were resolved not to interfere any further in the dispute. He, therefore, immediately on his return to Chucklypollam put his design into execution, by ordering the head of Chanda Sahib to be struck off.*" It is unfortunately clear from this that Major Lawrence did connive at the death of the unfortunate prisoner. Professor Wilson states, in deprecation of this verdict, that at that period the English were not so well assured of their power, as to pretend to dictate to the native princes with whom they co-operated. It is clear that in the case now under notice it was not at all a question of dictation. It is too evident that a word from Major Lawrence to Manockjee would have changed the fate of the victim. How can we avoid the simple conclusion to be drawn from the fact, that Manockjee went straight from the presence of Major Lawrence to order the execution of Chanda Sahib?

by, until at last the arrival of a battering-train from Devicotta placed it in the power of the English to compel him to submit to their own terms. After the usual amount of protests, and threats to defend himself to the last should those protests not be acceded to, it was finally agreed that the French army should surrender prisoners of war; that the officers should be liberated on giving their parole never to serve against Mahomed Ali and his allies; that the English deserters should be pardoned, that all the arms, artillery, and munitions of war should be made over faithfully to the English commandant, and that the island itself should be surrendered. These conditions were faithfully carried out. On the morning of the 13th June, 35 officers, 785 Frenchmen, and 2,000 sepoy laid down their arms and surrendered themselves prisoners to the English commander, this latter acting not on his own account, but as representative of Mahomed Ali. There were given up at the same time forty-one pieces of cannon, and an immense quantity of ammunition.

Thus fatally ended, after intense labour and anxiety to its projector, the expedition which but eleven months before, had been despatched, full of the certainty of success, from Pondichery. What a termination to prospects which shone with such brilliancy in the outset, what a sequel to plans which seemed, at the time of their projection, to be proof against failure! Then there was but one barrier to French domination in the Carnatic. They possessed commanding resources, a ruler whose influence with the natives was unparalleled, and above all, the prestige of victory. Opposed to them was a pretender deserted by his allies, but occupying a fortified town, and a mere handful of dispirited English. But at the end of eleven months what a different picture do we behold! The pretender has become the *de facto* ruler; the handful of dispirited English, the arbiters of the Carnatic; the victorious French army are prisoners of war. Whence this revolution? Can we discern in the steady mind of Dupleix any symptoms of faltering, any signs of decay? On the contrary. Never had he shown more unflinching resolution; on no previous occasion did he manifest a more zealous energy. His orders to Law, his encouragement of Chanda Sahib, his attempt to infuse energy into d'Auteuil, show the ardour of his spirit, the correct aim by which his views were guided. Had his orders been carried out, had even common prudence and energy been displayed by his commanders, his policy must have triumphed, the genius of France must have conquered.

If, then, we look for the causes of a contrary result, we must turn our eyes to another quarter. Dupleix was the civil governor, possessing a power of devising plans, even military plans,—for there is nothing in military plans which genius, though not specially trained to warfare, is unable to master,—such as has been accorded to but few men in any age. His was the eye to see, the brain to conceive,—but he possessed not in addition the arm to strike. To carry out his vast plans he was compelled to confide in others, and it happened, unfortunately for him, that whilst, at this period, those who alone he was able to employ were men of singularly feeble intellect, deficient in energy and enterprise, dreading responsibility, afraid to run small risks and therefore exposing themselves to great dangers, his principal adversary was a man of vast and comprehensive genius, of an aptitude for war surpassing all his contemporaries, of a ready audacity and prompt execution in the field such as have never been surpassed. Whilst then the designs for the French campaign were most masterly,—being conceived in the brain of Dupleix;—their execution was feeble beyond the power of description,—that execution being left to his lieutenants. The orders, the letters, the entreaties of Dupleix stand living witnesses in the present day of the exactness of his conclusions. Had they been obeyed,—and it is clear that obedience to them was easy,—Trichinopoly would have fallen whilst Clive was still besieged in Arcot; or, had untimely occurrences prevented that great triumph, a literal obedience to his instructions would have ensured the interception and defeat of the relieving forces of Lawrence and Clive on the banks of the Cauveri. Who could have believed that imbecility and fear of responsibility would ever find the level reached in the manufacture of a Law,—imbecility and fear of responsibility so clear as to draw even from the English historian, jealous as he is on all occasions for the reputation of the English leaders, the remark, that “it is indeed difficult to determine whether the English conducted themselves with more ability and spirit, or the French with more irresolution and ignorance, after Major Lawrence and Captain Clive arrived at Trichinopoly?”*

To judge fairly and candidly the degree of merit or demerit attaching to Dupleix at this crisis of the fortunes of French India, we propose to examine his conduct after the occurrence of the misfortunes we have recounted. In what

a position was he then! Law, with the main body of the French troops, beaten and taken prisoners; d'Auteuil, with the relieving force consisting of the only French troops available for garrison purposes, beaten and taken prisoners; Bussy with all that yet remained, far off at Aurungabad; Chanda Sahib, his trusted ally, murdered, and his levies dispersed. To Dupleix then there remained at this crisis merely Pondichery, Gingee, and the French possessions on the coast, without garrisons to defend them, still less with troops available for operations, in the field. His enemies, on the contrary, triumphant, possessors now of the influence and of the material advantages for which he had toiled, had it in their power apparently utterly to overwhelm him. They had not only an army and numerous native allies, but a Lawrence and a Clive to command them. Dupleix had no longer an army, no longer an ally; since the departure of Bussy he had never had a general: he had to depend upon no one but himself,—and one other trusted and indefatigable councillor,—his own wife. Let us watch now how this man, thus overmatched, thus driven into a corner, made head against the vast disproportion with which he had to contend.

His own experiences and alliances with native chieftains had satisfied Dupleix, that to such men there was no such disorganiser as victory. Prepared after defeat to sacrifice in appearance even their just claims, if by so doing they could retain a basis for future action, they would on a change of fortune, however occurring, show an absolute forgetfulness of past admissions, and increase their demands to a most exaggerated degree. If this were the case when a native prince might be in alliance with a European power, to a much more extended and dangerous degree would it occur when three or four native princes should occupy such a position. For then each ally would measure his own claims by the claims of his rival, and it would inevitably happen that such claims would often clash. Now in the war that had just then concluded, Mahomed Ali, the rival of Chanda Sahib, had been aided by three native allies,—by the king of Tanjore, the king of Mysore, and the Mahrattas. So long as it seemed certain that Mahomed Ali and his English allies would prove triumphant,—a conclusion which the imbecility of Law had made clear to the acute intellects of the natives at an early period of the contest,—it was evident to Dupleix that no attempts to bring them over to his side would have the smallest effect. Nevertheless he maintained native envoys at their courts, instructed by him from time to time to act as circumstances might render advisable.

It was then, when victory declared itself against him, when he had no more any troops and not a single ally, that he put in action those arts of which no one better than he understood the use. His attempts were not at first made on Mahomed Ali. The English, he well knew, were acting in the name of that prince, and would be bound to attend mainly to his interests. Of the other parties to the alliance, the Mahrattas were the most influential, and with these, at the moment the power he represented lay lowest in the estimation of the world, he commenced his secret negotiations.

So well did he succeed that Mahomed Ali and his English allies soon found that almost the only profit they had derived from their victory was the surrender of Law and his army. In a moment, as it were, they discovered that the animosity of the Mysoreans against Mahomed Ali, and of Morari Rao against both, would prevent that combined action in the field on which they had previously calculated; whilst the Tanjore contingent, sick of service which seemed likely to bring little advantage, were clamorous to return to their own country. So pronounced were the secret intrigues and so undisguised the mutual suspicions that, although Law's force had surrendered on the 11th June, it was not till the 9th of the following month that the Nawab and his English allies were able to leave Trichinopoly, and even then he was forced to leave 200 of the latter and 1,500 of their sepoy as a garrison to protect the city against his former associates,—the Mysoreans and the Mahrattas.

The delay he had thus obtained and the disaffection in the enemy's camp he had thus caused were eminently serviceable to Dupleix. It so happened that in that very interval the yearly reinforcements of troops arrived at Pondichery from France. It is true that the men composing it were not of the best material,—indeed Dupleix himself asserts that they were a collection of the vilest rabble,—but they formed at least a basis upon which to work. To increase their number he landed the sailors from the fleet, and manned the vessels in their place with lascars. By these means he found himself provided with a body of nearly 500 European soldiers, able once more,—the knowledge of their strength and his own great personal influence acting and reacting on one another,—to present a respectable appearance in the eyes of the native powers. To effect all this he had freely drawn upon his private resources, and made his entire fortune subservient to the cause of his country. An opportunity

soon presented itself still further to confirm such opinions, and to intimate very clearly to the native princes that Pondichery was yet unconquered. Harassed by their native allies, and by the intrigues fomenting around them, the English had made but slow progress after leaving Trichinopoly. They took indeed Trivadi, held by a small garrison of French sepoys, on the 17th July; but from that moment their councils became as uncertain as had been those of the French two months earlier. Major Lawrence had left them on account of his health; Olive had been compelled to proceed to Fort St. David from the same cause; and the command of the troops in the field was left to the incapable Gingen. This officer remaining idle at Trivadi, instructions were sent him from governor Saunders, contrary to the advice of Major Lawrence, to detach a portion of his force against Gingee. Major Gingen obeyed these orders by sending, on the 3rd August, 200 Europeans, 1,500 sepoys, and 600 of the Nawab's cavalry under the command of Major Kinneer, an officer who had but just arrived from Europe.

Intelligence of the march of this detachment having been promptly conveyed to Dupleix, he determined to use it to strike a blow for the recovery of the prestige of the French arms. Sending orders therefore to the commandant of Gingee to hold that place to the last extremity, he organised from his new levies a force of 300 Europeans and 500 sepoys, and sent them with seven field-pieces to occupy a position half way between Pondichery and Gingee, and commanding the pass just traversed by the English on their route to the latter place.

Gingee was a fortress on many accounts, very dear to the French. Its almost marvellous capture by Bussy on the 11th September, 1750, had raised the reputation of his countrymen to the highest point all over India; the victory gained near it by de la Touche over the forces of Nazir Jung, had seemed to consolidate and cement French power in the Carnatic. The possession of Gingee alone gave them a prestige in the eyes of the natives, which it would have taken much to eradicate. Its natural strength, Dupleix was well aware, was sufficient to enable a well-commanded garrison to beat off a force double the strength of that commanded by Kinneer. That officer likewise, he knew, was a stranger to the country and its people, and it seemed highly improbable that in the lottery of the distribution of commands, the English should draw a second Lawrence, still less another Heaven-born Genius of the

stamp of Clive. His plan therefore seemed certain to succeed. Operating on the rear of the enemy, who, he was sure, would make nothing of his movement against Gingee, he would induce him to attack the French in a position previously chosen and previously fortified, and he would then, it seemed certain, take his revenge for Seringham.

It fell out just as he had anticipated. Kinneer arrived before Gingee on the 6th August, summoned it, and met with a determined refusal. Appalled at its strength he was hesitating as to his action, when news reached him that the French had taken up a position at Vicravandi, in his rear, cutting off his communications with Trivadi. With the spirit of a soldier Kinneer turned at once to attack this new enemy, and, rendered bold by the repeated successes of the English, he did not care to reconnoitre, but dashed boldly on the French position. To draw on the English against the strongest part of this, M. de Kerjean, a nephew of Dupleix, who held the command, directed his men to retire. The English on this advanced with greater audacity till they found themselves exposed to the full fire of the enemy's field-pieces, separated from them by a strongly fortified wall. At this moment Kinneer was wounded, the English sepoys retreated, and even the English white troops began to waver. Just then Kerjean directed a movement on their flank. On this service 100 French soldiers started. The manœuvre was decisive. The English fell back after but a slight resistance, leaving forty of their men dead on the field of action.

Thus in less than two months after the terrible and seemingly irreparable losses caused by the incapacity of Law, did Dupleix bring back victory to the French standards, and recover his influence amongst the native princes of the Carnatic. The effect was increased by the capture, shortly afterwards, of accompany of Swiss mercenaries, employed by the English under the command of Captain Schauf on the high seas. The English denounced this action as opposed to the law of nations,—the two countries being nominally at peace. But Dupleix triumphantly replied that he had as much right to capture English soldiers on the seas, as the English had to capture French soldiers on land; that on this occasion he was merely acting in self-defence, as these soldiers had been sent to sea that they might the more effectually attack the French possessions on shore. There can be no doubt as to the soundness and completeness of this reply.

It was about this period that Dupleix received from the Spadar of the Deccan, Salabut Jung, a patent containing

his formal appointment as Nawab of the Carnatic, and of the countries south of the Kistna, and as possessor of all the other honours conferred upon him by Mozuffur Jung. Salabut Jung also informed him that the Emperor Ahmed Shahi would shortly send an embassy with the imperial patents of confirmation. In consequence of the authority thus received Dupleix appointed Raja Sahib, the son of the deceased Chanda Sahib, to hold the appointment under him. Finding, however, that the young man himself preferred pleasure and sloth to the occupation of war, he entered into negotiations with Mortiz Ali, the surviving son-in-law and nearest relative of the family of Dost Ali. Mortiz Ali responded freely to the conditions, and agreed to advance a considerable sum of money, and to levy troops in support of his title. In the same month likewise, the French Company wrote to Dupleix to express their entire satisfaction with his conduct, and to inform him that the king of France had been pleased, in compliance with their solicitations, to confer upon him the title of Marquis with reversion in direct line to his descendants. From all the eminent public men in France he received by the same opportunity congratulations on the receipt of this well-merited honour, and expressions of entire concurrence in the policy he had adopted. Meanwhile, all his hopes raised by the success at Vicravaudi, Dupleix renewed his negotiations with the Mysoreans and Morari Rao, pressing them to declare openly in his favour. This they agreed to do, provided Dupleix should engage so to employ the main army of the English as to leave them free to prosecute their views upon Trichinopoly. In accordance with these views Dupleix reinforced Kerjean to the utmost extent possible, and sent him to enforce a blockade of Fort St. David, so as to prevent any possible co-operation by the English with their detachment at Trichinopoly. By this means Kerjean's force was increased to 400 Europeans, 1,500 sepoys, and 500 native horse.

The news of this vigorous action roused Major Lawrence from his bed of sickness. Proceeding to Fort St. David by sea he arrived there on the 27th August, and on the following morning moved out at the head of 400 Europeans, 1,700 sepoys, and 400 troops belonging to Mahomed Ali, to reconnoitre the French position. Strong as it was he resolved to attack it on the following day. But Kerjean, deeming the numbers too unequal, marched during the night to Bahoor, two miles from Fort St. David, and the following evening,—Major Lawrence still advancing,—to Villanore, within three miles of Pondichery.

At this time Dupleix was momentarily expecting the arrival of a ship called the *Prince* having on board 700 men, and what was of equal importance, a tried commander on Indian soil,—M. de la Touche.* As Major Lawrence was forbidden by his instructions from attacking the French in their position on French soil, it would have been wise policy on the part of the French commander to remain where he was until the reinforcements should arrive. But it would appear that Major Lawrence was equally aware of the hopes entertained regarding the *Prince*, and he wisely bethought him of trading on the ambition of M. de Kerjean, who could scarcely expect to retain his command on the arrival of an officer with the reputation of de la Touche. He resolved therefore to move back to Bahoor, hoping that Kerjean would follow him. The result fully answered his expectations.† Kerjean followed the English major the next day, and early on the morning of the 6th September received the shock of his attack. The action was obstinate and bloody. The French received the assault with great intrepidity, crossing bayonets with the enemy. Their sepoys, however, who were stationed in the centre, could not support the English charge and gave way in disorder. Their centre thus pierced, the whole line fell back, and fled in confusion. Kerjean himself, fifteen officers, and about 100 men were taken prisoners. The number of the killed and wounded on the part of the French is not recorded. The English however lost one officer killed, four wounded, and 78 men killed or wounded.

The worst result of the action for the French was the nugatory effect, it had upon the Mysorean and Mahratta chieftains. Of the warriors of the latter nation, 3,000 under Innis Khan, who were on the march to join the French, at once transferred their allegiance to Mahomed Ali, and the

* We stated erroneously in our last number that de la Touche had died in 1750. It was so stated in one of the works we consulted. But it appears that he proceeded to France in a bad state of health that year, and lost his life with the remainder of his soldiers on board the *Prince* in 1752, when she was destroyed by fire.

† Major Lawrence states that Kerjean was forced to act thus by the repeated orders of Dupleix, and by the threat that he would be superseded by de la Touche. No authority is given for this assertion, and it can only be imagined that Kerjean, who was taken prisoner in the action, wished to clear himself at his uncle's expense. The movement was exactly that which Dupleix would have wished to delay.

Mysoreans deferred for a short time their plans against Trichinopoly. The work of Dupleix however had been too well performed for a defeat of this nature to cause its permanent failure. He promised the Mysoreans that if they could only take Trichinopoly it should be theirs. The magic of his influence, still all-prevalent in the minds of the natives, was confirmed by the inaction of Lawrence after his late victory. Thus it happened that within six weeks of that both action, the Mysoreans and the Mahrattas abandoned the English alliance, and declared openly for the French.

Another advantage before the termination of the campaign of 1752 accrued to the French governor. The greatest of his opponents, Clive, was forced before the close of the year to abandon the scene of his triumphs, and to proceed to Europe for the benefit of his health. It is true that he signalised the few months prior to his departure by two achievements, showing not less energy, daring and military talent than had distinguished his early victories. We allude to the capture of the forts of Covelong and Chingleput; the former on the sea coast about midway between St. Thomé and Sadras, sixteen miles south of Madras; the latter on the river Palliar, commanding the high road between Fort St. George and Pondichery, and about 40 miles from the English Presidency. The capture of these two places is memorable from the fact, that the 200 troops who formed the European portion of Clive's little army were raw recruits,* the sweepings of the English jails, and so little disciplined that on a shot from the fort of Covelong killing one of them, all the rest ran away. Nevertheless, even upon this rabble Clive exercised an influence so magical; he won their respect to such an extent by his own contempt of danger and personal daring, his failing health notwithstanding; that at their head and by their means he reduced Covelong, defeated a force of 700 sepoys and 40 Europeans sent by Dupleix to relieve it, and then marching on Chingleput, the strongest place next to Gingee in that part of the country, forced the French garrison of 40 Europeans and 500 sepoys to evacuate it. He then proceeded to Madras, and thence to England.

* Lord Macaulay, in his essay on Clive, states that the force was of such a description that no officer but Clive would risk his reputation by commanding it. Orme, however, who was Lord Macaulay's authority for this statement, simply remarks, "it could hardly be expected that any officer who had acquired reputation, would willingly risk it by taking the command of them."

Notwithstanding these losses, however, a careful survey of the position of Dupleix at the close of 1752, and a contrast with the state which he had been reduced by the surrender of Law and d'Auteuil but six months before, will show how much his vast genius had been able within that short period to accomplish. To do this completely his relations to the Directors of the French Company must be borne in mind. This Company, not possessing one-fourth part of the wealth of the English Company, had deceived itself by the hope that the position of Dupleix, as master of the Carnatic, was too assured, too secure, for him to require any special aid from France. The Directors looked rather to Dupleix to transport to France vast sums of money. No doubt even up to the end of 1751, the position of Dupleix justified the public men in France in the most sanguine hopes as to the future of French India. But that was the very reason why real statesmen would have aided and supported him with all the means at their disposal. The transport of 2 or 3,000 men to Pondichery in 1751, would almost certainly have given France absolute possession of Southern India. She herself would not have felt the loss of that insignificant number of her soldiers, whilst they could scarcely have failed to gain for her the coveted prize. But instead of support of this nature, the Directors literally starved Dupleix. They sent him comparatively a small number of ships and no funds; the few men to serve as soldiers,—to gain for France an empire greater than herself,—were the offscourings of the jails and the sweepings of the galleys. When he asked them for a competent general they sent him a Law. It is true that elevated by the hopes they had formed from the success of his large schemes, they vouchsafed him flattering letters and a Marquisate. These however were but cheap rewards which Dupleix would gladly have bartered for a few hundred of those brave troops who were idling their time in the garrisons of France. Thus left to his own resources we see him evoking material strength out of nothing, drawing to himself allies when, as it would appear, there remained to him nought but destruction. He thus succeeded because, in the first place, he possessed a genius for organisation of the highest order; because, in the second, he considered no sacrifice too great to be made for the glory and interests of France. Bitterly personal as was the hatred borne to him in that day by contemporary Englishmen, seizing as they did every occasion to attribute to him motives of personal ambition and

personal vanity, even they were forced to admit his genius and his devotion to his country. "To give Dupleix his due," writes Major Lawrence in his *Memoirs*, "he was not easily cast down; his pride supported him, and at the same time his mind was full of resources." Mr. Orme likewise admits that the French would have been compelled "to cease hostilities after the capture of Seringham, had not M. Dupleix been endowed (and this at last is much to his honour) with a perseverance that even superseded his regard to his own fortune, of which he had at that time disbursed £140,000, and he continued with the same spirit to furnish more." It was this disinterestedness, this abnegation of his own interests when the interests of France were concerned, that gave him influence and authority with his own people, that gained the lasting admiration and respect of all the native princes with whom he came in contact. In Dupleix they recognised a man not only thoroughly in earnest, but who was proof against the the ordinary consequences of disaster. Never was he more full of resources than when apparently the well of those resources had been dried up. They never felt safe when they were opposed to that versatile intellect, to that scheming genius. When in the enemy's camp they still continued to correspond with him. So thoroughly did the English recognise this magic power, that they kept their puppet, Mahomed Ali, in the strictest seclusion. Dupleix contrived nevertheless to correspond with Mahomed Ali. It was only however to receive an answer, begging Dupleix, not to impute to him the fault of his conduct; "for," added Mahomed Ali, "you know that I am no longer master of my actions."

Never perhaps was his genius more eminently displayed than after the catastrophe of Seringham. Without troops he was exposed to the full fury of the victorious army of Lawrence and Clive, and though these were forbidden to attack Pondichery, they had it apparently in their power to reduce the French settlement to the most insignificant dimensions, to deprive it of all real power in the country, of all influence with the natives. Yet by raising up enemies within their own camp, Dupleix delayed their march from Trichinopoly, rendered any decided action on their part impossible; gained for himself that which of all other things was most necessary to him,—time,—and actually succeeded, in less than two months after that great disaster, in beating in the field the victorious English, and in determining

the most powerful native allies of that nation to transfer their material aid to the French colony. But for the precipitancy of Kerjean, the advantages gained by the English at Trichinopoly would have been almost neutralised.

It was, it must be admitted, an immense misfortune for Dupleix, that whilst his own commanders in the Carnatic were men of the most ordinary ability, and even, as in the case of Law, of marked imbecility of character, there should have been opposed to him the greatest genius for war of that epoch. The strong, sharp, incisive blows of Clive were terribly effective on the besotted leaders of the French forces; they were met by no counterstroke, by nought, in fact, but weakness and indecision. With a rough and determined hand Clive broke down the foundations of French dominion, infused a confidence into the English soldiers that never afterwards left them, and showed the world that the natives of India, when well led and when possessing confidence in their commander, are capable of evincing the best qualities of real soldiers, alike courage and constancy, heroism and self-denial. But for this one man no diversion would have been attempted on Arcot, the English garrison would have remained dispirited in Trichinopoly, and, it is more than probable, would have yielded that city to the superior numbers of Law. But it was Clive that broke the spell of French invincibility: he it was who first showed his troops and the natives of the Carnatic, that it was possible to conquer even the soldiers of Dupleix. He transferred moreover to the English troops that opinion of their own qualities in the field, which, till his coming, had been monopolised by the French. It was a hard destiny that brought to the overthrow of the plans of Dupleix a genius so warlike, a mastery over men so unsurpassed.

Yet, though unsuccessful, on the whole, in the Carnatic, the victories of the French troops in another part of Indian soil, more than compensated in the mind of Dupleix for the calamities they sustained near the coast. French influence was still paramount, the reputation of the French arms still supreme, the power of the French governor still unquestioned, at the court of the Subadar. To gain that influence, to maintain that reputation, to increase that power, Dupleix had not hesitated to deprive himself of the services of his best, his only, general, even to risk his supremacy on the Coromandel coast. Certainly in those days it was considered even by the enemies of Dupleix, that the gain at Aurungabad far out-weighed the losses in the Carnatic. To see how that

gain was achieved, how French influence was so consolidated as to be for many years proof against the overthrow of French power at Pondichery, we must now devote a few pages to the romantic career of the energetic and stout-hearted Bussy.



- ART. IV.—1. *The Criminal Procedure Code. (Acts XXV. of 1861, XXXIII. of 1861, and VIII. of 1866, of the Legislative Council of India.)*
2. *The High Courts' Criminal Procedure Amendment Act. (Act XIII. of 1865 of the Legislative Council of India.)*
 3. *Act XVII. of 1862 of the Legislative Council of India.*
 4. *The Indian Evidence Act. (Act II. of 1855 of the Legislative Council of India.)*
 5. *The Weekly Reporter. Appellate High Court (Calcutta) Vols. I. to VI., Criminal Rulings.*
 6. *The Law of Evidence, applicable to the Courts of the late East India Company, explained in a course of Lectures, delivered by the Hon'ble John Bruce Norton, Advocate-General, Barrister-at-Law, (late Professor of Law at the Madras Presidency College.) Fifth Edition. Madras, 1865.*
 7. *The Law of Evidence as administered in England and applied to India. By Joseph Goodeve, Esq., of the Inner Temple and Lincoln's-Inn, Barrister, Acting Master of the Supreme Court of Calcutta, Member of Senate of the University of Calcutta, and Lecturer on Law and Equity in Presidency College. Calcutta, 1862.*
 8. *Archbold's Pleading and Evidence in Criminal Cases. (Fifteenth Edition. London, 1862.)*
 9. *Roscoe's Digest of the Law of Evidence in Criminal Cases. (Sixth Edition. London, 1862.)*
 10. *A General View of the Criminal Law of England. By James Fitzjames Stephen, M.A., of the Inner Temple, Barrister-at-Law, Recorder of Newark-on-Trent. (London, 1862.)*
 11. *Broom's Commentaries on the Common Law. Book IV. (Third Edition. London, 1864.)*

12. *Russell on Crimes.* (Fourth Edition.)
13. *Greaves' Criminal Acts.* (Second Edition. London, 1862.)
14. *Blackstone's Commentaries.*
15. *Alison's Criminal Law of Scotland.*
16. *Theory of Legislation.* By Jeremy Bentham, translated from the French of Etienne Dumont, by R. Hildreth. London, 1864.
17. *A Treatise on the Law of Evidence as administered in England and Ireland, with illustrations from the American and other Foreign Laws.* By John Pitt Taylor, Esq., Judge of the County Courts for Lambeth, Greenwich, and Woolwich. (Fourth Edition. London, 1864.)
18. *An Act for establishing High Courts of Judicature in India,* (24 and 25 Vict. cap. 104.)
19. *The Charters of these High Courts.*

IN our last article we essayed to compare the *substantive* Criminal Law of India with that of England; in our present notice we shall endeavour to draw a similar comparison between the *adjective* Criminal Law of the two countries in so far as the rules of Procedure are concerned, using the term "Procedure" in its widest extent. The subject will be well taken up in the following order:—

I. We shall discuss the apprehension of offenders for the purpose of bringing them to justice, and proceedings by the police for the detection of crime.

II. We shall give a brief outline of the constitution of the criminal tribunals of both countries.

III. We shall treat of the procedure of the minor criminal authorities in India in those cases which they have jurisdiction to try *judicially*.

IV. We shall review the preliminary proceedings of Magistrates, held with a view to the committal of the accused for trial before a higher tribunal.

V. We shall examine the procedure of the Superior Courts exercising Original Criminal Jurisdiction.

We do not intend, however, to limit ourselves altogether to this programme, which is meant merely to indicate the order of treating a very extensive subject, and the general scope of the present article.

First, then, with respect to the apprehension of offenders, whether by the constituted police or by private individuals,

we find a remarkable difference between the English and Indian systems. In England no one, whether a police-officer or private individual, is under any legal obligation to prosecute a criminal. "The law," says Mr. Stephen, "makes no provision for the collection of evidence, or for the examination of suspected persons. The police, who are now established in every part of the country, are intrusted with no special authority, and are under no legal obligation in this matter. What they do towards the detection of crimes might, generally speaking, be done by any private person who chose to take up the matter." And again, "There is very little difference between the rights of a peace-officer and a private person in this particular, except that in some cases a peace-officer incurs less responsibility than a private individual." In India on the contrary, in the case of all serious crimes, which are offences not only against the individual immediately affected by them, but against the community at large, it is the duty of the police to make an investigation; for Section 135, Act XXV. of 1861 ordains as follows;—"Upon complaint or information being preferred to an officer in charge of a police station, of the commission within the limits of such station of any of the offences specified in the Schedule annexed to this Act as offences for which police officers may arrest without warrant, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person or shall depute one of his subordinate officers *to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.*" The substance of the complaint or information must be reduced to writing, and recorded in the diary of the police-officer. To a casual reader of the above Section, it might appear that before the officer in charge of a police station can take a single step, there must be a private prosecutor to make the *complaint or information*. What was the original intention of the framers of the Code of Criminal Procedure we are unable to say, but the general usage now is that "information" in the sense of "intelligence" or "tidings" given by any third-party, is always sufficient to induce the action of the police; nor is any *information* in a sense approaching the technical meaning of the word in English law required. To enable readers in England and other places, who have not access to the Indian Codes, to form an exact estimate of the legal authority of the Indian police, we add in an appendix to this article an alphabetical list of those offences for which the police may arrest without

a warrant. We must at the same time remark that the powers of an officer in charge of a police station, must always be exercised by an officer above the rank of a common constable, a provision of the law which we have reason to believe is not always attended to. No other offences than those specified in the alphabetical list, given in the appendix, can be investigated by the police.

Before proceeding to notice the powers which may be exercised by the officer in charge of a police station in conducting an investigation, we shall first notice the authority that may be exercised by every police-officer alike, of whatever grade. He may, without orders from a Magistrate and without a warrant, arrest—

First—Any person, who in his presence commits any of the offences specified in the above list.

Second—Any person against whom a reasonable complaint has been made, or a reasonable suspicion exists of his having been concerned in any such offence.

Third—Any person against whom a hue and cry has been raised of his having been so concerned.

Fourth—Any person who is a proclaimed offender.

Fifth—Any person who is found with stolen property in his possession.

Sixth—Any person who obstructs a police-officer in the execution of his duty.

It is also the duty of every police-officer to prevent, and he may interpose for the purpose of preventing, the commission of any of the offences in the above list; and if he cannot otherwise prevent the commission of the offence, he may arrest the would-be offender. He may also interpose (though here he is not authorised to make a previous and preventive arrest) to hinder any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water channel, or to prevent the removal or injury of any public land mark, or buoy, or other mark used for navigation. When any person liable to arrest is in any house or place to which after due demand ingress is refused by the person residing in or in charge of such house or place, and if there is reason to believe that the person would escape before a warrant could be procured, the police-officer may make an entry and a search. Any person known or suspected to have committed any offence whatever, may be detained if he refuse on demand to give his name and residence, or if he give a name and residence which there is reason to believe false. Let us now see what are the

corresponding provisions of English law applicable to peace-officers and constables.

First—A constable may without warrant arrest any one for a breach of the peace committed in his presence.

Second—He may arrest any one who commits or attempts to commit a felony in his view ; or,

Third.—Any person against whom a reasonable charge has been made, or a reasonable suspicion exists of his having committed a felony.

So far the Common Law goes, but the Statute Law has greatly increased the power of arrest without warrant ; and now persons found committing offences against the " Malicious Injuries Act," the " Larceny Consolidation Act," the " Act relating to Coinage Offences," the " Game Act," &c., may be arrested. By the Metropolitan Police Act (10 Geo. IV. cap. 44, sec. 7.) it is lawful for " any man belonging to the said " Police Force, *during the time of his being on duty*,"* to apprehend " all loose, idle, and disorderly persons, whom he shall find " disturbing the public peace, *or whom he shall have just cause to " suspect of any evil designs*, and all persons whom he shall find " between sunset and the hour of light in the forenoon lying " in any highway, yard, or other place, or loitering therein " and not giving a satisfactory account of themselves." By the Rural Police Act, 10 & 11 Vict. cap. 89, sec. 15, " any " person found committing any offence punishable either upon " indictment or as a misdemeanour upon summary conviction, " by virtue of this or the special act, may be taken into custody " without a warrant by any of the said constables."

It will thus appear that the power of arrest without warrant, given to constables by the Common Law of England, was very nearly the same in its broad features as that conferred by the Indian Code of Criminal Procedure. As we have seen in a previous article, the division of offences into *felonies* and *misdemeanours* does not obtain in India. The offences enumerated in the list appended to this article, are most undoubtedly a better selection for the prompt action of the police than those falling under the class of felonies, and the English system has been here well amended by the statutory provisions given above. Even now there is some difference between the two lists of offences in India and England, for which the ordinary peace-officer may arrest without warrant, but the essential object of the two systems is

* By a legal fiction an Indian constable is supposed to be always on duty.

here the same, *viz.*, to secure, without the chance of escape, those who commit serious crimes affecting the peace and welfare of the body politic. The Indian system is however more perfect than the English ones, upon the absurdities of which, arising from piecemeal legislation and the division of offences into felonies and misdemeanours, Mr. Stephen justly comments.

Before proceeding to the next point in our subject, it is important to say a few words about the power of arrest by *private individuals*. At English Common Law, a private person, if a felony be committed or a dangerous wound given in his presence, is not only justified in arresting, but is bound by law to arrest the felon. He may also arrest any man about to commit a felony, or treason, or any act which manifestly endanger another's life, and detain him until the intent be presumed to have ceased. He may arrest a person upon suspicion of felony, but this he does at his peril, for, if the person prove to be innocent, he will be guilty of a false imprisonment. So says Mr. Archbold, though Mr. Roscoe, quoting Foster, lays down that in cases of *suspicion of felony* and in cases of offences less than felony, a private person has at Common Law no right to apprehend offenders. The point was raised on a recent occasion but not decided, as the case went off on other grounds. Any bystander may arrest an affrayer in the act, but he may not, after the affray is over. The owner of the property or his servant or any person authorized by him may arrest any one found in the act of committing an offence against the "Malicious Injuries to Property Act," or against the Sections of the Metropolitan Police Act, relating to property. A similar right obtains with respect to the offences recited in the above quoted Section of the Rural Police Act, the Game Act, &c. The Indian Code of Criminal Procedure is entirely silent on the subject of the right of arrest by private persons. The illustration to Section 79 of the Penal Code however, recognizes the existence of such a right and its legality. "A sees Z commit what appears to A to be a murder, A in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring him before the proper authorities, &c." Under Section 82 of the Procedure Code however, "every person is bound" (under pain of punishment for refusing, see Section 187 of the Penal Code) "to assist a Magistrate or police-officer, demanding his aid in the prevention of a breach of the peace,

"or in the suppression of a riot or affray, or in the taking of any other person whom such Magistrate or police-officer is authorised to arrest." It is also the duty of every person, who is aware of the commission of certain offences, to give information to the nearest police-officer, whenever he shall have reason to believe that, if such information be withheld, the person who committed the offence may not be brought to justice, or may have his escape facilitated. These offences are theft after preparation to cause death, robbery or attempt to commit robbery, dacoity or preparation or assembling to commit dacoity, arson and house breaking, or house trespass in certain aggravated forms. It is strange that murder has not been included in the list, and that private individuals in general are not required to give information of the commission of this offence, though landholders or *zemindars* are required to do so on pain of fine, by one of the old Regulations still unrepealed. We may here remark that though a hue and cry is mentioned, as we have seen in Section 100 of the Criminal Procedure Code, there is no provision for the manner in which it is to be raised or conducted.

Section 110 of the Code is as follows:—"When any offence is committed in the presence of a Magistrate, such Magistrate may order any person to arrest the offender, and may thereupon commit him to custody or, if the offence is bailable, may admit him to bail." This seems to go beyond the Common Law of England, under which, according to Hale, a Justice of the Peace may apprehend or cause to be apprehended, by a verbal order merely, any person committing a *felony or breach of the peace* in his presence. The Indian Magistrate, like the English Justice, must, however issue his warrant to arrest for an offence committed out of his view.

We now proceed to notice the powers which may be exercised by an officer in charge of a police station in making the *preliminary enquiry* in the case of those offences, in respect of which he is authorised to act. And let it be borne in mind that in this respect there is an entire innovation on the law of England, though the procedure is based upon what has always been the practice in India. The state of things in England is thus depicted by Mr. Stephen: "The law, as it now stands, makes no special provision either for the detection or the apprehension of criminals. It permits any one to take upon himself that office whether or not he is aggrieved by the crime, and it authorises and in some cases requires particular public bodies, such as the

"corporations of particular towns and the Quarter Sessions for counties, to maintain at the public expense a Police Force for the purpose of exercising this right; but speaking broadly, *"policemen as such can do nothing which private persons cannot do."* They have no special facilities for carrying on any of the enquiries comprised in the (French) process of instruction, nor is there any public officer, who is bound by his public duty, as distinguished from his private duty to his individual employers, to set such enquiries on foot." How different is the system in India! When the officer in charge of a police station receives information of the commission of an offence in respect of which he has jurisdiction, it is his *duty* to proceed to the spot and hold a preliminary enquiry; he may give an order in writing to any of his subordinates to arrest any one, whom he may himself arrest; he may make a search himself or may issue a search-warrant to any of his subordinates; he may by an order in writing require the attendance before himself of any one within the limits of his station, who appears to be acquainted with the facts and circumstances of the case, though there is nothing in the law to show that such person is bound to answer questions put to him; he may arrest the accused party; he has a discretion as to admitting him to bail or not; and, if he conceive the offence made out, he may forward the accused person to the Magistrate, and enforce the attendance of prosecutors* and witnesses before this officer: all his proceedings are, of course, subject to the orders of the District Superintendent of Police and of the Magistrate of the district. To prevent him from abusing his authority, he is prohibited from receiving or recording any confession of guilt, except for his own information; he is not allowed to detain an accused person in custody longer than twenty-four hours without forwarding him to the Magistrate; he is to keep and forward a daily record of his proceedings while investigating a case, and this diary may be used as evidence against him; he is to furnish a final report and

* It is important to notice with reference to our remarks made above on the word "*information*," that Sections 136, 144, 153, and 159,—all presuppose a person to act as *prosecutor* before the police can proceed to make a preliminary enquiry. Section 24 of the Police Act (V. of 1861) provides for a police-officer laying an information before a Magistrate. Was this meant to meet a case where there was no private individual to act as prosecutor?—Certain it is, that the word "*information*" in Section 135 has in practice received the meaning we have given it, and a police-officer, who waited to investigate a case of murder or dacoity, till a prosecutor turned up, would have the District Superintendent, Magistrate, and Commissioner down upon him.

to transmit any weapon or article which it may be necessary to produce in evidence, but he is prohibited from expressing any opinion as to the guilt of the accused; he must report all arrests and to ensure his doing so, he is not allowed to release any person once-arrested unconditionally, that is, except on bail, or on his own recognizances, or under the special order of the Magistrate. He may release an arrested person, against whom a *prima facie* case has not been made out, on bail or on his own recognizances, whether the offence for which he was arrested be bailable or non-bailable under the Code. If however, there appear reasonable ground for believing that he has been guilty of the offence imputed to him, and this offence be non-bailable under the Code, then bail must not be taken, though in all other cases bail for appearance before the Magistrate is allowable. A list of non-bailable offences under the Code will be found in the appendix, which will enable the reader to judge for himself of the discretion vested in the police-officer. The law, as we think, designedly contains no directions as to the period of the preliminary enquiry, at which the arrest should be made. In India, where escape is not often attempted, and is, except on the borders of British territory, seldom possible in simple village communities, the police-officer should not, as he frequently does, commence proceedings by arresting the accused. The occurrence of false cases too makes it advisable that the person charged should not be at once taken into custody, for in India, to use the language of Baron Parke, *people often choose to settle private disputes by giving others into custody.*

The officer in charge of a police station is also the Coroner within the limits of his station. On receiving notice or information of the unnatural or sudden death of any person, he is immediately to give intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry and report the apparent cause of death, describing any mark of violence, which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report is to be signed by the police-officer and the other persons, or so many of them as shall concur therein, and must be forthwith forwarded to the Magistrate. When there is any doubt as to the cause of death, the police-officer is to forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and

distance will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay, where the ancient village system has preserved much of its integrity, it is the duty of the head of the village to make the enquiry and send in the report. For those who have never been in India, it may be necessary to add a few explanations to the above provisions, which may appear somewhat unintelligible to people living in a country where a medical man can always be had at a few hours' notice, and where putrefaction is a work of days. In an Indian *sillah* or district there is generally but a single European Civil Surgeon, who resides at the head quarters of the district which is usually in a central position, but may be 30, 40, 50, or 60 miles from other parts of the district. In a country, where means of locomotion are seldom generally available, often without roads and intersected with rivers unbridged and swollen betimes with the rains, we have known it take three days, using all practical despatch, to send a corpse sixty miles; and in a climate where Europeans have to bury their dead within the twenty-four hours, a *post mortem* is impossible after three days. Native doctors, trained in the European system of medicine and surgery, are stationed at head quarters to assist the European Civil Surgeon, and sometimes one of these native functionaries is located at an out-post or subdivision of the district, but they are seldom possessed of the requisite skill to make an effective *post mortem* examination of a dead body, while private practitioners there are none. The *kobiraj* or native *hakim* knows nothing of surgery, and his medical treatment consists of charms and simples.

In judging of the comparative merits of the Indian and English systems for the detection and apprehension of criminals, it must be remembered, that in England the whole population, as well as those immediately concerned, are active in the matter, while in India, in consequence of the former practices of an underpaid and corrupt police and the delays in the administration of justice, necessitating an absence of weeks and sometimes of months on the part of witnesses who had to go to the Sudder Station or Head-Quarters, no man voluntarily admitted knowing anything of an offence committed in his presence. Men did not willingly perform a public duty, which compelled them to leave their homesteads and find sustenance for themselves, while they lingered about the district courts, miles away from their villages, wearily waiting with a hundred others for their

cases to come on, their land meantime unploughed or unsown, or their crops, which were to satisfy the demands of their urgent creditors and feed them for the coming year, depending upon the tender mercies of the neighbours to be gathered. Men of greater respectability again shunned the *disgrace* (for such it was esteemed) of having to appear personally in courts, permeated with an atmosphere of perjury and forgery. And thus, while all shunned the performance of this public duty, none cared to disclose to the police that which might impose upon them its performance. Those again, who suffered from the crime were often unwilling to bring down upon them the thirsty myrmidons of the law, and a man, who had lost twenty rupees' worth of property by theft, did not care to throw away double or treble this sum on the doubtful chance of recovering his loss. We cannot yet say like the Mock Doctor to Geronte '*Nous avons changé tout cela ;*' but we have done much to effect the change, and we must leave it to time to do the rest. Meanwhile, any system for the detection of crime that depended only on the public spirit of the Indian population, would be a lamentable failure. In France, however, where a very different civilization prevails, we shall hereafter see that a system even now exists which has much in common with that of India, a system founded on the following principle embodied in the first article of the Code d'Instruction Criminelle, *viz.*, "*L'Action pour l'application des peines n'appartient qu'aux fonctionnaires aux quels elle est confiée par la loi.*"

We now come to the proceedings before the minor criminal authorities, whether 1st of a final nature, or 2nd with a view to making over the accused for trial to a higher tribunal. It will be convenient here to see first, what are the criminal tribunals in England and India, and what are their powers.

In England, then, there are the following:—

I. The High Court of Parliament, before which great offenders, whether lords or commons, are tried on *impeachment*. Before this tribunal the commons, *i. e.*, the people appear as accusers of those who infringe their rights and commit crimes beyond the reach of the ordinary Magistrate. There is no corresponding institution in India, though, as in the case of Warren Hastings, an offender may be impeached at home in England for acts committed in India.

II. The Court of the Lord High Steward for the trial of peers indicted for treason or felony. There is nothing

similar in India. Nor would the highest *rajah* be exempt from the jurisdiction of the ordinary courts, or entitled to any but the ordinary panel of jurors in those districts where trial by jury has been introduced. He might be tried by a jury of his countrymen, but it would not be a jury of his peers.

III. *The Court of Queen's Bench*, has cognizance of all criminal cases, from high treason down to the most trivial misdemeanour or breach of the peace.

IV. The *Central Criminal Court* established in 1834, which is the chief criminal court for the trial of all offences committed within the city of London and county of Middlesex and certain portions of Essex, Kent, and Surrey. The entire criminal jurisdiction formerly belonging to the Court of Admiralty is now also exercised by this court.

V. *The Courts of Oyer and Terminer and General Gaol Delivery at the Assizes*, the great ambulatory criminal courts of England, for administering the general criminal law throughout the land in all those cases, deemed of too serious a nature to be disposed of by the inferior or local tribunals.

VI. *Sessions of the Peace*, i. e., sittings of the Justices, which are of four kinds, viz., 1st, Petty Sessions; 2nd, Special Sessions; 3rd, General Sessions, and 4th, General Quarter Sessions.

1st. Petty Sessions consist of meetings of two or more Justices held for various purposes, but more especially for bailing or committing persons accused of felonies or misdemeanours.

2nd. Special Sessions are held by Justices for the exercise of some particular branch of their authority, and after notice given to the other Justices. They are held, for example, for appointing overseers for the poor, for licensing ale-houses, &c.

3rd. *A General Sessions of the peace*, is a court of record, holden before two or more Justices, whereof one is of the *quorum*, i. e., by the words of his commission authorized to enquire into and determine felonies and other misdemeanours. The only description of these sessions now held is the following.

4th. The General Quarter Sessions, which have been recently regulated by the 5 and 6 Vict. cap. 68, entitled "an Act to define the jurisdiction of Justices in general and Quarter Sessions of the peace," under which Justices are prohibited from trying any person for treason, murder, or capital felony, or for any felony punishable on a first conviction with transportation for life or for misprision of treason, perjury, forgery, bigamy, libel, stealing documents, and

certain other offences. Subject to the above restrictions, the Court of Quarter Sessions has jurisdiction generally in respect of all offences created and declared misdemeanours by Statutes passed since the institutions of the office of a Justice. Convictions and orders of Magistrates and many other matters are appealable to the Court of Quarter Sessions, and various questions respecting roads, &c., are cognizable thereat. The Quarter Sessions for the county of Middlesex are held before an Assistant Judge. The Quarter Sessions of boroughs are held before Recorders, where, on the petition of the inhabitants, such a separate court has been established under the 5 and 6 Will. IV. cap. 76. Where this separate court has not been established, the county Justices exercise their jurisdiction. The London Sessions are held eight times a year before the Recorder sitting as an assessor to the Lord Mayor and Aldermen, but only misdemeanours are in general tried here, felonies and other important crimes being tried before the Central Criminal Court.

Justices of the Peace sitting in Petty Sessions, have by a variety of Statutes a *summary jurisdiction* to try and dispose of certain minor offences without the intervention of a jury. In many instances they have a discretionary power either to exercise this jurisdiction or to commit the accused for trial before either the Quarter Sessions or the Assizes; and in some cases the accused person has the option of declining to be tried by a jury, and consenting to be dealt with by a Magistrate or Magistrates summarily. No similar provision to this latter exists in India. This summary jurisdiction of the Magistracy has of late years been considerably extended at home. Unless expressly given by the Statute there is *no appeal*; but the convictions may always be removed into the Court of Queens Bench by writ of *certiorari*. Petty Sessions are held before two or more Justices, but by certain local Acts stipendiary and police Magistrates in the metropolis and other places are authorized to exercise individually all the authority of two Justices.

Having given what must be of necessity a very scanty outline of the criminal courts in England, we shall now enumerate the criminal tribunals in India, and in doing so shall venture on a few points of comparison between the similar institutions in both countries.

I. The High Courts established at the Presidency Towns and in the North-West Provinces have a two-fold jurisdiction, *viz.*, original and appellate. The *original* jurisdiction is again *ordinary* and *extraordinary*. The Calcutta High Court in

the exercise of its ordinary original criminal jurisdiction, tries *all* persons for offences committed within the local limits of its ordinary original civil jurisdiction, which are coterminous or nearly so with the limits of the town of Calcutta. It moreover tries European British-born subjects (who are not subject to the jurisdiction of the courts in the interior, except for petty assaults) for all offences committed within the portions of the Bengal Presidency, not included within the limits of the criminal jurisdiction of any other High Court. In the exercise of its *extraordinary* criminal jurisdiction, it can try *all* persons residing in places within the jurisdiction of any court subordinate to it, on charges preferred by the Advocate-General, or by any Magistrate, or other officer specially empowered by Government. The High Courts of Bombay and Madras exercise an ordinary criminal jurisdiction similar to that of the Calcutta High Court. But the Court of the North-West Provinces has no *ordinary* criminal jurisdiction over *all* persons residing within certain local limits similar to those of the Presidency Towns, though it has such ordinary jurisdiction over British-born subjects resident within the North-West Provinces. There is no appeal as of right from any of the High Courts exercising original criminal jurisdiction. But, with the previous permission of any High Court, when such High Court considers the case a fit one for appeal, and subject to such conditions as it may require, an appeal may be made to the Privy Council. At the trial of any case the Judge may however reserve any point or points of law for the opinion of the High Court, which has power to determine such points, and thus discharges functions similar to those of the Court of Criminal Appeal, established by the 11 and 12 Vict. cap. 78. The High Courts at the Presidency Towns in this way perform duties similar to those of the Central Criminal Court in London, and like this latter Court also they possess an Admiralty criminal jurisdiction. We may here remark that there is no court in the Presidency Towns corresponding to the Quarter Sessions held before the Recorder, the entire criminal jurisdiction being divided between the High Court sitting in the person of a single Judge for criminal trials and the police Magistrates, who are however vested with higher powers than those possessed by similar functionaries at home. The stipendiary police Magistrates are occasionally assisted by Honorary Justices of the Peace, one of whom is empowered by Act IV of 1835 to exercise in Calcutta the powers ordinarily exercised at home by two or more Justices. Act IX of 1849

contains similar provisions for Madras, and Act XXXII. of 1838, for Bengal, Behar, and Orissa.

The High Court on its *appellate* side exercises a complete control and superintendence over all criminal courts and authorities in the Mofussil. Broadly speaking, its functions in this respect are similar to those of the Court of Queen's Bench in England, though its procedure is different. And, as the same Judge may one day sit in the Central Criminal Court, and the next day in the Court of Queen's Bench, so the same Judge may to-day hold criminal sessions in Calcutta, and may to-morrow sit on the appellate side of the High Court to revise the proceedings of a criminal court in the Mofussil. The High Courts on their appellate side sit—

1st—As Courts of Appeal.

2nd—As Courts of Reference.

3rd—As Courts of Revision.

1st—Any person convicted on a trial before a Court of Session (see *post*) can appeal to the High Court on matters of law only, if the trial was by jury; but on matters both of law and fact, if the trial was before a Judge assisted by Assessors. The appeal must be made within sixty days, and the Appellate Court has the fullest powers to do what justice requires. The Calcutta High Court recently held that sitting to hear an appeal in a case tried by jury, it had power to set aside the verdict for an insufficient or defective summing up of the evidence, and to order a new trial. The case of *R. v. Scaife* (17 Q. B. 238) is the only instance of a similar decision under English law, and it is said that this case was without a precedent, and it has not therefore been followed. The working of the criminal appellate jurisdiction of the High Courts would supply a strong argument to the advocates for introducing a similar procedure into the criminal law of England, who have been recently so scandalized by *Toomer's* case at home, which has been justly commented upon by the journals and by the profession.

2nd.—To a High Court as a *Court of Reference*, every capital sentence passed by a Sessions Judge must be submitted before being carried into execution; and the higher tribunal has full power to confirm the sentence or pass any other sentence warranted by law, or annul the conviction and order a new trial on the same or an amended charge; and, when the trial has been held with the aid of Assessors, to acquit the accused person. Further enquiry may be directed,

and additional evidence taken in the latter case, where such a course seems expedient for the ends of justice.

3rd.—As a *Court of Revision* a High Court is vested with powers unknown to English law, yet very necessary for the ends of justice in a country where men are promoted to the Mofussil Bench by the mere force of seniority in an exclusive service, and without regard to judicial capabilities or qualifications; where every *civil servant* is expected to be a lawyer, and in the discharge of onerous executive duties to be able to acquire that judicial training and experience, and balance of mind and temper, which are essential requisites to enable even a lawyer to fill a seat on the Bench, with satisfaction to himself and justice to the public; where too, failure in the executive department is, or, at least, was not unfrequently rewarded with judicial promotion, it being held better that the private interests of individuals, rather than the public interests of the State or of the revenue, should suffer from incompetence. Where an illegal sentence has been passed by a Court of Session, the High Court on revision has power to annul the sentence and pass a new one. Where there appears to have been error in the decision of the Court of Session on a point of law, the higher tribunal may determine such point of law, and having done so pass such order as seems right. It may also call for and examine the record of any case tried by a Court of Session, in order to satisfy itself of the *legality* or *propriety* of any order passed, and as to the regularity of the proceedings. If the sentence passed appear too severe, any mitigated sentence warranted by law, may be passed instead. If the sentence or order is contrary to law, it may be reversed: and such judgment, sentence or order passed, as may seem right; or the court may order a new trial. The Court of Revision acts in the above, *suo motu*, and no one can claim its interference as a matter of right. It may also, on the report of a Court of Session or of a Magistrate, call for any criminal record of any subordinate criminal court, and if there has been error in law, it may decide the point of law, and then pass any order that may appear correct. By a careful exercise of the large powers entrusted to them as Courts of Revision, the High Courts in the three Presidencies have in the few short years, that have elapsed since their establishment, effected a radical improvement in the administration of criminal justice in the Mofussil of India, and we doubt not that the recently established High Court of the North-West Provinces will speedily effect a similar change

within its jurisdiction under the guidance of its able and experienced Chief Justice.

By the Act (XIII. of 1865) which abolished* grand juries in the Presidency Towns, provision was made for the Judges of the High Courts going on circuit in the interior, and there exercising at fixed places and times, under a commission granted by the Governor-General-in-Council, all or any of the powers vested in such High Courts. This portion of the law has not yet been put into practical operation; but when it is, we shall see ambulatory courts in the Mofussil exercising powers similar to those now exercised in England by the Judges on circuit under their five commissions of Assize, of *Nisi Prius*, of the Peace, of Oyer and Terminer, and of General Gaol Delivery,—all the authority of which or something similar will doubtless be included in the single commission of the future Indian Judges of Assize. In order to transact the immense amount of business arising in a country so vast in extent compared with England, the Act provides for *associating* with the Judges of the High Court

* A similar fate would seem to await these institutions in England ere long, if we are to judge from the proceedings of the grand jury at the Middlesex Sessions in August last,—*viz*:—

The foreman of the grand jury, upon their entrance into court with the last batch of bills of indictment, handed to the court the following presentment, which Mr. Francis (the deputy clerk of the peace) read:

“Grand Jury-room, Sessions-house, August.

“To the Court,—We, the grand jury assembled at the Sessions-house, Clerkenwell, the 22nd day of August, 1866, do hereby respectfully present that in their opinion the office they have now been called upon to occupy *is of no manner of use, and ought as speedily as possible to be abolished.*

“They consider the presentation of indictments before them to involve a reflection upon the decision of the magistrates who have committed the prisoners for trial, and who have had the advantages in the hearing of each case of the legal assistance engaged by both of the parties concerned; also that their attendance on these occasions involves a serious inconvenience and interruption to business, to meet which they are often quite unable to make provision—and they do not think the ends of justice in any way promoted by the continuance of the system.

“They therefore beg respectfully to express their hope that steps may be speedily taken to abolish altogether the said office.

“Signed, on behalf of the grand jury,

“CHARLES BALLANCE, Foreman.”

That gentlemen liable to serve on the grand jury would gladly be relieved of the task might well be inferred from this and from the case of the man Mayhew brought up for perjury, who seems to have earned a livelihood by making false affidavits to excuse persons summoned to sit on the grand jury. The matter-of-form way, in which the duties of the office are performed, was lately instanced by a man being tried and convicted and sentenced on a bill which the grand jury had *ignored*!!

an *Associate Judge*, who may be a *Barrister-at-law* of not less than five years' standing, or any *Sessions Judge*. The *Associate Judge* may sit with the *High Court Judge*, in which case the latter shall preside; or by himself when so directed for the trial of persons, who are not European British-born subjects. The appointment of an *Associate Judge* is a most useful provision for securing on a single Bench that union of legal ability and practical experience of the country, to obtain which in a single individual has been the aim of years of judicial reform in India. To this union, already secured on the *High Court Benches* by the Act for the establishment of these Courts and by their respective Charters, must be attributed much of the success, which has hitherto attended the working of these institutions; and according as this union is perfected in the individual, as well as in the institution, we may expect to find still greater progress made towards an administration of criminal justice, which will stand second to none in the world. Improved means of communication, including more especially the extension of railways, will at no distant date render feasible a system of circuits in India, which were formerly impossible in a country where rivers were unbridged and roads unmade, and where the immense distances to be travelled together with the insuperable difficulties of climate, would peremptorily have forbidden aspirants after legal fame to "ride the circuit," as so many of the great architects of the English system of jurisprudence were wont to do in their day.

II. The *Court of Session* is the highest tribunal out of the *Presidency Towns*, which is vested with original criminal jurisdiction. This court can try all persons resident within its jurisdiction, except European British-born subjects, and can direct the following punishments:—*viz.*, death, subject, as we have seen, to confirmation by the *High Court*; transportation; imprisonment for a period not exceeding fourteen years, including such solitary confinement as is authorized by law; fine to an unlimited amount; or both transportation and fine, or both imprisonment and fine; also forfeiture and whipping, where provided by law. Before this court are tried all cases committed by the *Magistrates*, and it may be termed the only *Superior Court* of original jurisdiction in the *Mofussil*, until the *Judges* of the *High Court* go on circuit under the provisions of the Act already mentioned. A more extended notice of the proceedings before the *Court of Session* will be found under the third head of this article, before coming to which it will be necessary to consider

the proceedings before the subordinate or minor criminal authorities, which stand next in ascending order to measures for the apprehension of offenders and the detection of crimes; and the consideration of which has been postponed by the above digression, intended to enable the reader to understand more clearly what follows by his having first had a bird's eye-view of the whole of the criminal systems of the two countries.

3rd—Next below the Court of Session come the Magistrates, who are of *three grades*, all of which we comprise in the term “subordinate or minor criminal authorities.” In the first grade are included *Magistrates of districts* and other officers authorized to exercise *the full powers of a Magistrate*, which warrant the officer vested therewith to sentence to two years’ imprisonment, including such solitary confinement as is authorized by law, or to fine not exceeding one thousand rupees, or to both fine and imprisonment; and also to whipping in certain cases. The *second grade* consists of *subordinate Magistrates of the first class*, who can sentence to imprisonment not exceeding ~~six~~ months, or fine not exceeding two hundred rupees, or to both fine and imprisonment where provided by law; and also to whipping in certain cases. The *third grade* consists of *subordinate Magistrates of the second class*, who can sentence to imprisonment not exceeding one month, or fine not exceeding fifty rupees or both, where provided by law. The Code lays down by what court or officer every offence is *triable*; and the above is only the scale of sentences, which may be passed by the authorities, by which each offence is *cognizable*.

The distinction between “a Magistrate of a district” and “an officer vested with the full powers of a Magistrate” lies in the following points. *First*—The former has direct *executive* authority over the police of the district, none of which can be exercised by the latter, who is not authorized to interfere with the police. *Second*—The Magistrate of the district sitting as a *judicial* authority is a court of appeal from the decision of the subordinate Magistrates of the first and second class. Any officer exercising *the full powers* of a Magistrate may however be invested by Government with this appellate authority. This is a useful provision for relieving the District Magistrate, who in his other capacities has so many duties to perform; and it is a politic provision for separating judicial from executive functions, where the services of a second officer are available. It is difficult to understand why it has not been put in practice as yet in a single instance. *Third*—As a judicial authority the Magistrate of the district may call for the records of subordinate courts

to satisfy himself of the legality of their orders and of the regularity of their proceedings, and, if he find them contrary to law, may refer them for the orders of the High Court. The same remark applies to this power as to the exercise of direct appellate jurisdiction, and this duty also would be more efficiently and usefully performed by an officer who discharged only judicial functions, and whose time was not taken up with executive duties. *Fourth*—When a subordinate Magistrate tries a case, in which he has jurisdiction, but considers that a more severe punishment is required than he is competent to inflict, he may submit his proceedings to the Magistrate to whom he is subordinate, who may pass a suitable sentence. A similar remark to what has been above made, is applicable to this third branch of the exercise of appellate jurisdiction. *Fifth*—The Magistrate of the district may, without any complaint being made, take cognizance of offences and institute proceedings. An officer exercising the full powers of a Magistrate is not vested by law with a similar authority, unless he be in separate charge of a division of a district, in which case, he or even a subordinate Magistrate is so empowered. This is a most useful ministerial or executive prerogative, and may be well contrasted with the state of English law, as explained by Sir Frederick Roe, Chief Magistrate at Bow Street, to the Criminal Law Commissioners of 1837, viz.:—"A Magistrate at present, with the most active mind and best intentions, dares not act without a complaint on oath is made before him, and some person charged. Although a most atrocious crime may have been committed, he cannot initiate any proceeding." We may notice here that perjury and forgery, in their several ramifications, require for their prosecution the previous sanction of the court in which they have been committed or discovered, and are therefore exceptions to the above rule. So also are offences falling under the head of contempts of the lawful authority of a court or public servant; similarly prosecutions for offences against the State or for misfeasance in the judicial office, &c., require the previous sanction of Government. The reader will doubtless be able to recall to mind similar provisions of English law.

In their ordinary original judicial capacities, the "Magistrate of the district" and the "officer exercising the full powers of a Magistrate" stand on an equal footing, and from the decisions of both, as judicial authorities, an appeal lies to the Court of Session, unless the sentence passed do not exceed one month's imprisonment, or a fine of fifty rupees (£5), in which case there is no appeal.

Officers exercising the full powers of a Magistrate, whether in their capacity of District Magistrate or otherwise, are then, in the descending scale, the next judicial authorities to the Court of Session. They have final jurisdiction in respect of the great majority of offences, always bearing in mind that their sentences, like those of every criminal court in the Mofussil, can be appealed against. The offences, which they cannot try, and which are reserved exclusively for the Court of Session, are, generally speaking, the following:—Offences against the State, the more serious offences relating to the Army and Navy, perjury, forgery, offences connected with coin and Government stamps, offences affecting human life, kidnapping, abduction, slavery, rape, unnatural offences, adultery, bigamy, &c. In respect of many other offences, the Magistrate has a concurrent jurisdiction with the Court of Session, and a committal to this latter tribunal is only proper when a punishment is required more severe than the Magistrate is competent to inflict. Whether, then, we look to the large number of offences, in respect of which he has jurisdiction, or to the punishments, which he is by law competent to inflict, the officer exercising the full powers of a Magistrate is a very important judicial authority; and for the correct discharge of his functions he ought to possess a good knowledge of criminal law, and of the principles of evidence.

There is one kind of Magistrate in the Mofussil, (we speak of the Bengal Presidency) who seems to be an anomaly in the present state of the criminal law. We speak of a "*Joint Magistrate*." The office and designation of this officer appear to have had their origin in a Regulation (XVI.) passed so far back as 1810. The preamble of that Regulation states that the Zillah and City Judges, under the rules then in force, held also the office of Zillah or City Magistrate, but that it was found expedient (probably from press of work) to appoint in many places a distinct officer to the post of Magistrate; also that it had appeared advisable to vest the Magistrates of certain Zillahs with concurrent authority in contiguous or other jurisdictions as *Joint Magistrates*. The Regulation then goes on to enact, that when a distinct officer, not being the City or Zillah Civil Judge, was appointed to the post of City or Zillah Magistrate, the Judge might also be authorized to exercise a concurrent jurisdiction as a *Joint Magistrate*; and also that, when it seemed advisable, one Zillah or City Magistrate might be vested with concurrent authority in any contiguous or other jurisdiction. The old Superintendents of Police for the

divisions of Calcutta, Dacca, Moorshedabad, Patna, Benares, and Bareilly, could, under the same Regulation, be vested with concurrent jurisdiction as Joint Magistrates. Now from the preamble and the whole tenour of this Regulation it will be evident that, under its provisions the following persons only could be appointed Joint Magistrates, viz :—

1st.—City and Zillah Civil Judges.

2nd.—The old Superintendents of Police.

3rd.—City and Zillah Magistrates by vesting them with concurrent authority in contiguous or other jurisdictions.

To the *first* it is now totally inapplicable. The *second* have been abolished; and with respect to the *third*, the law has not yet been repealed, and under its provisions, most undoubtedly, the Magistrate of one district could be vested with a concurrent jurisdiction in a contiguous district, as a Joint Magistrate; but then, we conceive, his jurisdiction would extend to the police also. The old Regulation does not authorize any separate individual, holding none of the three posts, to be appointed to exercise *concurrent* authority as a *Joint Magistrate*. Let us now see what is understood and implied by this designation at the present day. First of all it means a civil servant, who occupies a certain grade in the service, carrying with it a certain fixed salary. He may be and often is employed at other duties, in the discharge of which no magisterial functions are required or exercised. The *Joint Magistrate* of a district is understood to mean an officer exercising the full powers of a Magistrate, as we have defined and explained this term above. For, it has been ruled, that he has no authority to interfere with the police administration, and the Code of Criminal Procedure does not mention any such authority as a Joint Magistrate. We say “understood to mean,” for there is no Law, Act, or Regulation, that we are aware of, that gives this meaning to the term, and we believe that to gazette or appoint a man a “*Joint Magistrate*” confers upon him no more legal authority than would be conferred by gazetting a man an “Assistant Magistrate,” a term created by the same old Regulation, and like the other term afterwards used to denote a civil servant of a certain grade, but dropped as the title of a judicial officer, since the introduction of the new Code. The term “Joint Magistrate” should be similarly laid aside, and civil servants should be denominated by some proper distinctive epithets having especial reference to their grade and fixed salary, their official designations being distinct and appropriate to the executive or judicial parts held by them. Instead of officers

being gazetted as Joint Magistrates or to officiate as Joint Magistrates, when it is intended that they should exercise judicial powers, they should be simply invested with the full powers of a Magistrate as defined in the Code.

The procedure in trials before a Magistrate of any grade is *twofold*. We shall characterise this twofold procedure as Regular and Summary. Under what procedure an offence must be tried depends upon *whether it is punishable under the Penal Code with imprisonment for a period exceeding or not exceeding six months*. There are however some offences punishable with fine only, and what procedure is applicable to the trial of these, the law saith not. If the offence is punishable with imprisonment *not exceeding* six months, the Summary Procedure is applicable; but if the imprisonment may exceed six months, the Regular Procedure must be followed.

Under the Regular Procedure in cases other than those sent in by the police, a Magistrate, on a complaint being made, may issue his warrant for the arrest of the offender. The trial commences with the examination of the complainant, and his witnesses in the presence of the accused, who is permitted to cross-examine them either personally, or by means of his counsel, or authorized agent. The evidence is taken down in the vernacular of the district, *and* the Magistrate makes moreover a memorandum of the substance of what each witness deposes, which memorandum must be written and signed by the Magistrate with his own hand, and annexed to the record. The vernacular deposition must be read over to the witness, and a memorandum signed by the Magistrate must be attached to it, certifying that it was so read to him in a language which he understood, (naming the language) and that he admitted it to be correct. The Code of Criminal Procedure does not require witnesses to sign their depositions, though the Madras High Court have expressed an opinion, that they ought in all cases be asked to do so. Under the 11 and 12 Vict. cap. 42, sec. 17, depositions taken by Justices are directed to be signed by the witnesses, as well as by the Magistrates. It is competent to the Local Government to direct that in any district subordinate to it, the vernacular deposition be discontinued, and that the Magistrate take down the whole witness's statement with his own hand in his own language, and the evidence so taken down, after being read over to the witness in the language of the latter, is to be signed by the Magistrate. This last-mentioned procedure has been now more than two years in practice in the territories under the Bengal Lieutenant Governorship, and it is creditable to the

linguistic proficiency of Europeans holding magisterial appointments, that during this period no complaint has ever been made of any failure of justice or error arising out of the practice.

Where, (as often happens in a country in which there are so many dialects as in India,) the evidence is given in a language not understood by the accused, it must be interpreted to him in open court in a language which he is able to understand. As a guide to the appellate court, the Magistrate is to record such remarks as he may think material, respecting the demeanour of any witness while under examination.

It is in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person, whose evidence he may consider essential to the enquiry. The importance of this provision will be understood, when it is remembered that there is no public prosecutor, and that poor and illiterate complainants, unassisted by legal advice, are little able to present their cases before a criminal court in the guise most likely to secure substantial justice. The Magistrate may, from time to time at any stage of the enquiry, *examine the accused person, and put such questions to him as he may consider necessary. It is however, in the option of the accused person to answer such questions or not.* No influence, by means of any promise or threat, is to be used in order to induce the accused to make any disclosure; but if he, of his own accord, propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon in the same manner as if he were a witness. But no oath or affirmation is to be administered to him. The propriety of this mode of receiving a confession will be best estimated by those who have studied the subject, and who know how frequently false confessions are made from divers causes,—mistake of fact or of law, the desire to stifle enquiry, weariness of life, shame, vanity, and the desire to benefit or to injure others.*

A confession received under the above safeguards provided by the Indian Code, might well be allowed all the conclusiveness that has been claimed for such evidence by the warmest advocates for its reception and decisiveness.

The examination of the accused person, including every question put to him and every answer given by him, is to be recorded in full and to be shown or read to him, and he is at

* See the very excellent chapter on the subject of Confessions in Mr. Norton's work on Evidence.

liberty to explain or add to his answers; and when the whole is made conformable to what he declares to be the truth, the examination is attested by the signature of the Magistrate, who must certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person. By the above excellent provisions, calculated to secure substantial justice by allowing an accused person to explain doubtful portions of his conduct, and to be silent or speak, as he pleases, leaving the court to draw the natural inferences from his conduct in either respect, the Indian Code of Criminal Procedure has cut the Gordian knot, which those could never untie to their own satisfaction, who had before them the state of things at the present day in France, and who looked back to those pages in our own history, when the French fashion of interrogating the prisoner was in vogue in England, and when subservient attorneys * and solicitors-general used it with the worst effect to brow-beat an obnoxious accused, and secure a conviction for the Crown; when too, such men as Jeffreys and Scroggs sat on the Bench, and practised the arts which had raised them thither in those days, when public and private liberty were assailed by the very ministers of justice, who ought to have been her staunchest defenders. The provisions of the Indian Code, while respecting the maxim "*nemo tenetur seipsum accusare*" in this that the prisoner is not compelled to speak, avoid at the same time turning this maxim against an innocent man, who cannot accuse himself because he is not guilty; and whose mouth is closed under English Procedure, where he might indicate his innocence to the satisfaction of an unbiassed court or jury. At the same time, the extravagancies of the French system, which assumes an accused man guilty till he proves his innocence, a theory so revolting to the British feeling of fair play, such extravagancies as were witnessed on the trial of the Duke de Praslin † in 1847, and of the Monk Le'otade, ‡ and in the affair of St. Cyr, § are rendered impossible. Since the introduction of the Code there has been a single instance of a misapplication of the law. An accused person was treated as a recusant witness, and punished with

* See the Dialogue between Bromley, the Solicitor-General, and the Duke of Norfolk on the trial of the latter. *Lives of the Chancellors*. II. p. 239-240.

† See extract, at page 125 of Mr. Norton's work on Evidence

‡ See Mr. Stephen's Work, p. 442, &c.

§ See Do. p. 468.

imprisonment for refusing to answer a question. The High Court however quickly corrected such a plain misinterpretation of the Code.

We have already remarked that all offences contained in the Indian Penal Code, are by law declared bailable or non-bailable. In the case of a *non-bailable* offence, the accused person must not be admitted to bail, if there appear reasonable ground for believing him guilty. When the evidence is not such as to raise a strong presumption of his guilt, the Magistrate has a discretion to receive bail. Where a Magistrate refuses bail, the Court of Session may direct bail to be taken, with advertence undoubtedly to the same principles. This slightly differs from English practice, under which it is well established that the Court of Queen's Bench can bail in all cases no matter how serious, the principle of the law, says Mr. Stephen, apparently being that bail should be taken if the prisoner's appearance can be secured by it.*

If it be necessary to adjourn the case, the Magistrate may do so by a *written order*, but no adjournment is to exceed *fifteen* days. We believe that this excellent provision of the law is not always acted up to, and that in consequence more persons are subject to an action for false imprisonment than are aware of their liability. We knew one instance in which a man was kept three months in jail without ever having been even once, we believe, brought up, and we have known many instances of parties being detained on adjournments exceeding fifteen days.

When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person, as the Magistrate shall consider necessary, have been taken, the Magistrate, if he finds no offence proved against the accused, shall discharge him. If, on the other hand, he find an offence apparently proved against him, he is to prepare in writing a charge which states briefly in the language of the Penal Code the offence of which the prisoner is accused. All the technicalities of English law, which once so often facilitated, the escape of undoubted criminals, have been entirely banished from this form of an Indian indictment. The charge is read to the accused person who is asked whether he is guilty or has any defence to make.* If he make a defence he is allowed to call witnesses, and an adjournment may be made

* See *R. v. McCartie*, 11, I. Com. Law Rep. 188

for the purpose of securing their attendance. *He may also recall and cross-examine the witnesses for the prosecution,* a privilege which is most important to the accused after the *pinch* of the case has been ascertained by the above preliminary proceedings. We may here remark that the law does not appear to contemplate any examination of the accused *after* the charge has been read to him, and he has been called upon to plead to it. It will be observed that the proceedings up to the preparation of the charge offer a strong similitude to oral pleadings, carried on till the criminal issues in the case have been arrived at. The accused person has an opportunity of admitting certain facts, which then need not be proved, and of traversing all that tells against him or that he denies. The preparation of the charge is the fixing of the issues, and the defence then proceeds to prove all the burden of proving which properly falls on that side. Under the English system, every material averment in the indictment must be proved, because the prisoner can only pronounce the two words "not guilty," and witnesses are in consequence often called to prove what the prisoner is ready to admit. But under the Indian system this useless waste of time and money is saved, and the salient points of the case can be dealt with at once. After the defence has been closed, the code makes no express provision for counsel addressing the court, and the Magistrate proceeds at once to his finding, discharging in his individual capacity the functions of Judge and jury. In India, as in England, the sacred maxim prevails that no man can be twice tried or twice vexed for the same offence. An acquittal therefore, under a formal charge, would be a bar to a second trial for the same offence, but a discharge of the accused person at the close of the preliminary proceedings and before a charge had been drawn up or pleaded to,* would not be a bar to fresh proceedings in respect of the same offence. By bearing this in mind, failures of justice can be prevented by not putting a man on his trial against whom there is not a sufficient case, and all the advantages of the Scotch verdict "Not Proven" can be secured by a course of procedure, to which there can be no practical objections.

We now come to the *Summary mode of Procedure* under which a summons issues ordinarily at first instead of a warrant. If, however, the accused do not appear in answer to the

* So ruled by the Calcutta High Court. See *I. Weekly Reporter Criminal Letters*, page 11.

summons either at the first or at an adjourned hearing, a warrant will issue to enforce his attendance. On the day fixed for trial, if the complainant do not attend, the Magistrate *shall* dismiss the complainant, unless for some reason he shall think proper to adjourn the hearing. The law makes no provision for restoring to the file a complaint once dismissed. Ordinarily speaking, a complainant * is expected to bring his own witnesses, but he can obtain a summons on showing satisfactorily that they will not attend of their own accord. It must be remembered in judging of this provision that all criminal process is served in India by the police *free of cost*. The Magistrate may *suo motu* summon any witness, whose evidence he considers necessary. The trial commences by reading out to the accused the substance of the complaint made on solemn affirmation, upon which the summons was issued. If the accused admit the truth of it, he may be convicted then and there. If he deny the truth of the complaint, the Magistrate proceeds to hear both parties† and their witnesses, making *merely* a memorandum of the substance of the evidence, and recording such remarks as he thinks fit respecting the demeanour of the witnesses. He may however, if for any reason he thinks fit to do so, take down the depositions at length in the manner provided under the Regular Procedure. The accused person may be permitted to appear by an agent duly authorized, though at any time his personal appearance may be directed. The sentence, if it be one of fine only, may be pronounced in the presence of the agent; but it would appear that the accused must appear in person to hear a sentence of imprisonment. Where the Magistrate dismisses a complaint as frivolous and vexatious, he may award amends not exceeding 50 rupees (£5). If the accused person is convicted, the Magistrate passes sentence on him in a form that shows on its face the Section of the Penal Code, under which the conviction has been had. If the Magistrate sign his proper official designation, and record the *caption* in a proper manner, (which is seldom however done in Mofussil practice) it is evident that there would

* See Circulars 87 and 105 of the Calcutta Court, pages 119 and 125, of Hume's Manual. Part II.

† Section 266 says, "*and also to hear the accused person,*" but whether on oath or affirmation, as a party to a civil case, does not appear clearly. Chapter XV. certainly contains no prohibition similar to that in Section 204 relating to the Regular Procedure. But Section 43 mentions only complainants and witnesses as the persons, who are to be examined on oath or affirmation. We would like to see the point discussed.

be a complete record, showing jurisdiction or otherwise on the face of the proceedings. If the complainant, at any time before the final order is passed, satisfy the Magistrate that there are sufficient grounds for permitting him to withdraw the complaint, he may be permitted to do so, but this will be a bar to the complaint being again entertained. In cases to which the summary mode of procedure is not applicable (*i. e.* trials for offences punishable under the Code with *more than six months' imprisonment*)* compromises are not allowed, and a case once brought into court must proceed to a final issue. The intelligent reader will notice the different mode of recording the evidence, and the absence of a formal charge, as well as the other points of distinction between the Summary and Regular modes of procedure. Whatever be the powers of the Magistrate trying any case, he follows the procedure applicable to the class of offence charged. The powers with which he is invested (*i. e.* whether he be an officer exercising the full powers of a Magistrate or a subordinate Magistrate of the first or second class) affect only the sentence which he is competent to pass, and the offences in respect of which he has jurisdiction. The cases to which the Summary Procedure is applicable, are those of assault and other petty offences. In such cases the recording of lengthened depositions would be a useless waste of time; but there is one point in which the mere memorandum is unsatisfactory, *viz.*, on the hearing of an appeal which is allowed, as well on the *facts* as on the law of every case, a mere memorandum is a very insufficient guide to the appellate court. There is no very obvious remedy for this, but we hope the time is not very far distant when the proficiency of Mofussil Magistrates will allow an appeal to be taken away in all cases to which the Summary Procedure is applicable. It may be observed that the manner, in which the evidence is to be recorded in a civil court, depends entirely on whether an appeal will lie or not.

Having now disposed of the subject of Magistrates sitting as petty criminal Judges, and competent to pass sentences with various limits according to the powers with which they have been invested, we come next to consider the proceedings held before a Magistrate with a view to commit the accused person for trial before a superior tribunal, which in the Mofussil is the Court of Session. The first question that

* See Sections 213 and 114 of the Penal Code, and also the remarks in our article on "Indian and English Criminal Law," pp. 387-8 of the last No. of the *Review*.

arises is, who is competent to hold the preliminary enquiry, and make a committal to the Court of Session? The law does not settle this point by direct provision, but only by indirect inference; but it is clear that authority to hold a preliminary enquiry with a view to committal, is part of the full powers of a Magistrate. The Code also enables the Local Government to invest any subordinate Magistrate of the first or second class with this authority. Sitting to hold a preliminary enquiry into a case triable by the Court of Session, a Magistrate is not a "Judge" within the meaning of Section 19 of the Penal Code, nor does he "act judicially," so as to be entitled to the same protection that he enjoys when sitting as a petty criminal Judge to try and pass sentence.* A somewhat similar distinction obtains in England between the ministerial and *judicial* functions of a Justice. Authority to commit, as well as to hold a trial and pass sentences, is exercised by a single Magistrate. The place where preliminary investigations are held is an open and public court, to which the public generally may have access, but the Magistrate has power, if he think fit to do so, to order that during the investigation into any particular case, no person shall have access to, or be, or remain in such room or building without the permission of the court. This is substantially the same as the English law on the same subject, though there is no direct provision of English law that we are aware of, which declares such a place an open court, until the Magistrate direct the public to withdraw.† The fact of the Indian Code expressly declaring the room or building, where a preliminary enquiry is held to be an open court, might however have an important bearing in a trial for defamation‡ by the publication of a report of the proceedings.

A Magistrate sitting to hold a preliminary investigation with a view to make a committal, must take down the depositions of the witnesses and the examination of the prisoner in precisely the same manner as if he were acting

* Act XVIII. of 1850.

† See, however, 11 and 12 Vict. cap. 49, sec. 19, and note page 972, of Warren's Law Studies. In *Duncan v. Thwaites* 3 B. and C. 566, it was laid down that the report of a preliminary examination before a Magistrate was unlawful, but Lord Campbell subsequently expressed an opinion considerably modifying this *dictum*. See Addison on Wrongs and their Remedies, pp. 695-6.

‡ See also the fourth exception, with the explanation to the definition of Defamation in the Penal Code.

judicially, with an exception in respect of one point only. He need not record any remarks as to the demeanour of the witnesses.

A pardon may be tendered by the Magistrate to any one or more of the persons supposed to have been directly or indirectly concerned in *any offence triable by the Court of Session*, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge; relative to the crime committed, and every other person concerned in the perpetration thereof. A person who accepts the tender of a pardon is to be examined as a witness. Any Magistrate who has power to commit may tender a pardon.* There are some offences triable both by the Court of Session and by the Magistrate with full powers, but the latter cannot tender pardon in any case which he intends to try himself.† The High Court and Court of Session may direct the Magistrate to offer a pardon, when such a course seems advisable. If the person to whom a pardon has been tendered, after accepting it do not conform to its conditions, either by wilfully concealing anything essential or by giving false evidence or information, he may be committed for the offence, in respect of which the pardon was tendered. Whether the deposition given by the prisoner while the promise of a pardon lasted, can be used in evidence against him afterwards, the law does not say. Probably not, as the statements contained therein had been made after an *inducement* had been held out. Under English law no Magistrate can tender a pardon, but the accomplice is examined on the understanding that, if he gives his evidence in an unexceptionable manner, he will be recommended for a pardon, which recommendation is usually attended to. In making an accomplice liable to ulterior consequences, if he fail in his duty as a witness, the Code follows English in preference to Scotch law, which latter will not allow a man to give evidence with a halter about his neck, and prohibits from ever placing an accomplice in the criminal dock to answer to a charge touching

* Calcutta High Court, Criminal Letter No. 785 of 1863, Revenue, Judicial, and Police Journal. Vol. II. p. 24.

The Madras High Court has, on the contrary, ruled that only a Magistrate, with full powers can tender a pardon, and in this view of the law, a subordinate Magistrate, vested with committing powers, could not do so but Query.

† Criminal Letter. No. 95 of 1862, of late Calcutta, Nizamut Adawlut. Hume's Manual. Part II. p. 122. The Madras Court has a contrary ruling.

an offence, in respect of which he has once been called to give evidence. There can however be no doubt that the Scotch principle would not help the administration of justice in this country, though the adoption of the contrary one should make Judges and juries most careful of convicting on the uncorroborated testimony of an approver.

The accused person may, with the Magistrate's permission, appear by an agent during the preliminary proceedings. This permission may however at any time be withdrawn, and the personal attendance of the party be directed. It is entirely in the discretion of a committing Magistrate to bear evidence for the defence, and he must be guided by the nature of the case, made out against the accused person. When the Magistrate has made up his mind to commit the prisoner, he draws up a charge in the form prescribed by the Code, and referred to already. This charge must be read to the prisoner and a copy or translation furnished to him, if he require. He is then requested to give in orally or in writing a list of the witnesses, whom he wishes to be summoned to give evidence on his behalf before the Court of Session. These witnesses are summoned free of cost, and their expenses for attendance before the Court of Session being paid by Government, * a poor man has in India facilities

* We noticed this point in our former article (see page 400 of No. 86 of the *Calcutta Review*), and we also remarked that the denial of the exceptions in a charge for murder facilitated the prisoner's defence in a trial for this crime, inasmuch as this practice would throw on the prosecutor the burden of proving the non-existence of these exceptions. We referred to the form of a charge for murder, prescribed by the Calcutta High Court, which form has, we believe, been either followed or inaugurated pretty generally, wherever the Code of Criminal Procedure has been introduced. The Calcutta High Court, indeed, subsequently ruled in the case of *Government v. Ramasawmy*, referred by the Recorder of Moulmein, (*Weekly Reporter*. Vol V.) that it is not necessary to deny in the charge the existence of the exceptions contained in Section 300 of the Penal Code. There can be no doubt of the correctness of this ruling on general principles. It throws the burden of proof, where it ought to fall, and makes the law in this respect correspond to the law of England. It is moreover in strict accordance with Section 237 of the Criminal Procedure Code. "When the Section referred to in the charge contains an exception not being one of such general exceptions, the charge shall not be understood to assume the absence, &c., without a distinct denial, &c." Now the Section referred to in a charge for murder is 302, and the exceptions are contained not in this Section, but in Section 300. Therefore Section 237 of the Code of Criminal Procedure does not apply to the case at all, and there is no other Section that does. Sections 235-6 certainly do not; as the exception in question does belong to the general exceptions in Chapter IV. The English rule, as laid down in

for his defence which are not enjoyed in England, where the system is perfect, as Mr. Stephen justly remarks, *only when money is no object on either side*. In order, however, to prevent abuse, the Magistrate has power to refuse to summon any witness, whose name he believes to be included for the purpose of vexation, or delay, or of defeating the end of justice, until the costs of obtaining his attendance be first deposited. The prosecutor and witnesses are bound over in their own recognizance to attend before the Court of Session. The record, together with any weapon or article of property connected with the case, is forwarded to the Court of Session, and the Government Pleader receives an order to conduct the prosecution before the Superior Court. The accused person, if he apply in time, is entitled to copies of the depositions, which are made at his expense.

Thus far the law, and those who are *juris consulti* will recognise the excellencies of more than one system carefully gathered and embodied in the Code, which retains all the portions of our English law, which favour the maxim that every man is to be presumed innocent till proved guilty, while it has drawn from other sources the best provisions on those points, which have been found weak or defective by experience. The action of the police, the subordination of this body to the Magistrate of the district, the power of a Magistrate sitting judicially or holding a preliminary enquiry to summon witnesses, issue search-warrants, &c., *suo motu*, and the examination of the accused present the best features of the French system, but without any of those adjuncts that have brought that system into dispute with jurists. There remains, however, yet one point, and that a very important one, which we must notice. The law provides, as we have seen, for sending the record to the Court of Session, and the record would usually consist merely of the depositions and the prisoner's examination.

There was however a practice in use, before the introduction of the Code, of sending up a *Calendar*, which contained the *grounas of commitment*, the names of the witnesses for the prosecution or the defence, and the substance of their depositions.

R. v. Jarvis 1 East. 644. n. applies exactly. "If a Statute, in the direct description of an offence and not by way of proviso, contain negative matter, the indictment or information must also contain a negative allegation, which must in general be supported by *prima facie* evidence." See Taylor on Evidence. Vol. I p. 366; also Archbold, pp. 52-188. Section 300 of the Penal Code contains the direct description of the offence, but the exceptions are clearly by way of proviso.

The Code of Criminal Procedure is entirely silent as to the preparation of this instrument, which has however been retained in accordance with previous usage. The grounds of commitment are stated by different Magistrates at various degrees of length. Some Magistrates content themselves with a brief *résumé* of the evidence; others go into the whole case; while others reason on the prisoner's defence as disclosed by his examination, and sum up on both sides. It is impossible not to recognise in this instrument a strong similitude to the French *Acte d'accusation*, "a document" says Mr. Stephen, signed by the Procureur-Général, which not only recapitulates all the grounds from which the Ministère Public, as the public prosecutors are called collectively, infer the guilt of the accused, but also frequently states and refutes by anticipation the arguments for the defence. We admit that the absence of a public prosecutor in India, and the difference of a Magistrate's position from that of a French Procureur-Général considerably alter the case; but still the *Calendar* has about it the general characteristics of the *Acte d'accusation*; and where the committing Magistrate is known to be an intelligent and able officer, it must tell immensely against the prisoner, if he sums up strongly against him in the "*grounds of commitment*." Be it remembered that there is in the Mofussil no active bar, whose very presence secures the sifting of the truth by the searching tests of justice, and if the fact of a man's guilt be accepted by the Judge or the jury (if there be one), his innocence will not be sought out with the same care and attention that are bestowed by a mind that has received no impression, and which must make an effort of judgment in order to believe either story.

We now come to the proceedings before the Court of Session: and first we may remark, that except in a few cases of perjury and forgery, the Court of Session, as a court of criminal jurisdiction, takes cognizance of no offence but upon a charge preferred by a Magistrate. It may however, in the case of offences not triable by the Magistrate, direct the commitment of any accused person whom he may have discharged. In a trial before the Court of Session, the prosecution is conducted by the Government Pleader, a Vakeel, employed by Government on a small retaining fee, whose interest in the case and knowledge of criminal law are generally about equal. The trial commences by reading the charge to the accused, and asking him whether he pleads "guilty" or claims to be tried. If he plead "guilty" he may be convicted on this plea. If he claim to be tried,

the proceedings are a repetition of what has taken place before the Magistrate. The depositions of the witnesses are taken down in the same manner in presence of the accused, who has the right of cross-examination. The court may examine* the accused person as the Magistrate examined him; and his examination before the Magistrate is evidence, apparently, *for* as well as *against* him. Under English law it has been held that a prisoner's statement before a Magistrate is not admissible as evidence in his favour, though it is received against him. At the close of the case for the prosecution, the accused person is called upon to enter upon his defence and produce his evidence. "At the close of the evidence on behalf of the accused, if any evidence is adduced on his behalf or otherwise at the close of the case for the prosecution, *the court may* put any question to the accused person which it may think proper. It shall be in the option of the accused person to answer such question." This Section points to a different rule for interrogating the prisoner at the Session trial from that which is allowed before the Magistrate, but a previous Section (364) would seem to extend this latter procedure in its entirety to the trial before the higher court.†

At the close of the case for the prosecution, or at the close of any evidence that may be adduced for the defence, or after the putting of any question to the accused person by the court, the prisoner or his counsel or agent may address the court. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the court, the prosecution is entitled to reply. There are no similar provisions applicable to a trial before a Magistrate.

In order to prevent any failure of justice, and to obviate the consequences of carelessness or ignorance in the preparation of the case for trial, the Session Judge has ample powers. He can amend the charge, postpone the trial, summon additional witnesses, and make an adjournment whenever he finds any of these courses proper for the interests of justice. At the close of the whole case, a Judge sitting with Assessors, who are members of the court, asks them for their opinion, which is delivered orally and recorded in

* So ruled by the Madras High Court, and clearly in accordance with Section 364, where "*parties*" would seem to include both prosecutors and accused persons. See however Section 373. We may here remark that under the Summary Procedure the prisoner cannot be interrogated.

† See above note.

writing by the Judge together with the reasons * for the same. The decision however on matters both of law and fact is vested in the Judge. In trials by jury, the Judge sums up the evidence on both sides, and a *statement of his charge to the jury must form part of the record*. This practice enables the High Court as a Court; of Revision, to examine the proceedings and ascertain, if the jury have been wrongly directed. Where the trial is with the aid of Assessors only and not by jury, the Judge must record the grounds of his decision. It will thus appear in any case that an Indian Judge holding a trial in a Court of Session, has to do an amount of writing far exceeding what is required in any criminal trial in England. The depositions of the witnesses have to be recorded at full length, and this, together with the writing and subsequent delivery of the charge, takes up more time than is required by similar proceedings at home. At the same time, however, it must be remembered that great care and accuracy are thus secured; and that to enable the High Court to exercise its revising and appellate authority, an unabridged record is almost absolutely necessary.

Speaking of the functions of an English Judge in a criminal trial, Mr. Stephen says,—“His position from first to last is that of a moderator between two litigants. He permits or forbids certain things to be done, but he originates nothing.” And elsewhere he remarks that he ought to have the power of requiring further witnesses to be called, and, if necessary, of adjourning the case till they were produced. It will have been noticed that all this has been done in India under the Code of Criminal Procedure. Again Mr. Stephen observes,—“One other reform would be required to stop up a common source of failures of justice. When it was doubtful, whether a particular transaction amounted to one or the other of two or more crimes, it should be lawful to frame the indictment in the alternative.” This useful reform too has been accomplished in India.†

It must be observed that no prisoner can come for trial before a Court of Session, without a Magistrate having made a preliminary investigation, and formally committed him. In English Procedure however, this preliminary process may be sometimes wanting, ‡ as when a prisoner is committed by a Coroner, in pursuance of the verdict of *his* jury, or where a

* The Calcutta High Court wish the reasons to be stated in every case. The law is silent on the point.

† See Sec. 242 of the Procedure Code.*

‡ See Broom's Commentaries, p. 975.

supposed criminal is arrested by virtue of a warrant issued by the Privy Council or a Secretary of State, or where an information is filed by the Attorney-General *ex-officio*; or where a presentment is made by the grand jury of an offence within their own knowledge or observation; or where a private person prefers a bill to the grand jury, without preliminary notice, against an absent person.

We have already remarked that at the preliminary enquiry before the Magistrate, the accused person may obtain permission to appear by an agent duly authorized by him; and in trials under the summary mode of procedure, the same course is open to a criminal defendant. The law however clearly contemplates the accused party appearing personally in trials under the Regular Procedure before the Magistrate and before the Session Judge. Under English law a person indicted for felony must in all cases appear, and take his place within the criminal dock; but on an indictment or information for a crime less than felony, the defendant may, by favour of the court, appear by attorney, and this he may do as well before plea pleaded as afterwards unto conviction.*

A prisoner committed for trial is entitled to copies of the *charge* and of the depositions in *all* cases. This contrasts favourably with the rule of English law, under which a prisoner is not entitled, as of right, to a copy of the indictment in order to draw up his plea, but can only have it read over slowly to him.† The injustice of this has often been remarked upon,‡ but the rule remains the same to the present day. Mr. Stephen's suggestion § for supplying copies of the depositions to the prisoner free of cost, does not find its realization in the Code any more than in the English Statute book.

We have already remarked on the superiority of the Code over English law in the care taken to produce the witnesses for the defence, and remunerate them for their attendance before the Court of Session; while at home, as remarked by Mr. Taylor|| "to the disgrace of our penal laws, no provision has yet been made for reimbursing such witnesses their reasonable expenses, however necessary their attendance may be at the trial to establish the innocence of the accused." The hardship that this inflicts on a poor man, charged with a

* See Roscoe's Criminal Evidence, p. 181.

† See Roscoe p. 178.

‡ See Taylor on Evidence, Vol. II., p. 1266.

§ Page 178.

|| Work on Evidence. Vol. II. p. 1070.

serious crime, of which he is not guilty, has often been commented upon. On the contrary however, the Code is inferior to the 18 and 19 Vict. cap. 126, and other home enactments, inasmuch as it makes no provision for the payment of the expenses of any witnesses attending before the Magistrates, either at a preliminary enquiry or at a trial*. There is no rule or practice in India by which a poor prisoner can call upon counsel to defend him for a *minimum* fee; but the capabilities of the native counsel, who practise in the Mofussil and the manner in which the trial is managed, render this of less importance in India than it is in England, while an Indian Judge is always ready to watch the case for the prisoner, as well as for the prosecution, which a Judge at home often expressly intimates that he will do, when a prisoner is too poor to retain professional assistance.† At the same time, the law declares it to be the right of every person, charged before any criminal court with an offence, to be defended by counsel or authorized agent; while in England, down to 1836, prisoners were obliged to defend themselves without the assistance of counsel, except in cases of high treason.‡

We have now reached what must be the limit of our present article, though there are many points which we should wish to notice, did space permit; for example, the absence of all distinct provision in the Code for uniting in a single charge more than one offence arising out of different transactions; § the question of appeal *versus* pardon in criminal cases; the fact that no criminal prosecution is required in any class of cases as a necessary preliminary before a civil action can be commenced; the absence of any express provision in the Code enabling criminal courts to restore stolen property to its owners; and other points equally interesting. There are also many questions connected with the law of evidence, which we would gladly enter upon, but which we are compelled to reserve for some future occasion.

* See an article in the *Indian Jurist* of 28th February, 1866, No. 4. Vol. I. See also the 29 and 30 Vict. cap. 42, and the notice of this Statute (passed last Session of Parliament) in the *Law Times* of 18th August last.

† See Warren's Law Studies. Vol. II. p. 978.

‡ See Mr. Stephen's Work, pages 30 and 194. On the trial of the Duke of Norfolk in the reign of Queen Elizabeth, the prisoner asked for the assistance of counsel, but the Chief Justice declared the unanimous opinion of the Judges, that to allow counsel against the Queen was contrary to all precedent and all reason.—*Lives of the Chancellors*. II. p. 241.

§ See the *Doctrine of Election* discussed. Taylor on Evidence. Vol. I. pp. 336-8. See also Archbold, pp. 54-55; and Roscoe, p. 404.

. APPENDIX.

ALPHABETICAL LIST

OF OFFENCES FOR WHICH THE POLICE MAY ARREST WITHOUT A WARRANT.

	Section of the Code.	Bailable or not Bailable.
Abduction in every case	363-9	Not bailable.
Abetment—as for the offence abetted	109-117	As the offence abetted.
Abetment of mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty	131-2	Not bailable.
Abetment of assault by an officer, soldier, or sailor on his superior officer	133-4	Ditto.
Abetment of desertion	135	Bailable.
Abetment of insubordination of an officer, soldier, or sailor..	138	Ditto.
Abetment of suicide	305-6	Not bailable.
Act likely to spread infection done negligently or malignantly	269-70	Bailable.
Administering stupefying drug to cause hurt	328	Not bailable.
Animal : Omitting to take order with any—in his possession, so as to guard against danger to human life or grievous hurt	289	Bailable.
Apprehension : resistance or obstruction to the—of himself or of another person	224-5	Bailable un- less the per- son is charged with or under sen- tence for an offence pun- ishable with 10 years' imprison- ment or a higher sen- tence.
Armed : Being hired to go	159	Bailable.
Assault or use of criminal force to deter a public servant from duty	353	Ditto.
——— to a woman with intent to outrage her modesty	354	Ditto.
——— to commit theft of property worn or carried by person	356	Not bailable.
——— in attempting wrongfully to confine any person	357	Bailable.
Attempts to commit offences	511	As for the offences.
Birth—Concealment of—by secret disposal of the dead body.	318	Bailable.

	Section of the Code.	Bailable or not Bailable.
Breaking open or unfastening dishonestly any closed receptacles supposed to contain property	461-2	Bailable.
Building—Omitting to guard against danger to human life by the fall of any—over which the person has a right entitling him to pull it down or repair it ...	288	Ditto.
Coin—All offences connected with ...	231-54	Not bailable.
Combustible substance—dealing with—so as to endanger human life ...	285	Bailable.
Compulsory labour—unlawful ...	374	Ditto.
Concealing a design to commit an offence punishable with imprisonment or a higher sentence	118 & 120	Not bailable.
Concealment of birth by secret disposal of the dead body ...	318	Bailable.
Conveying for hire any person in an unsafe vessel, so as to endanger his life ...	282	Bailable.
Corpse—Offering indignity to human... ..	297	Ditto.
Counterfeiting coin—all offences connected with ...	231-54	Not bailable.
————A Government stamp—all offences connected with ...	255-9	Bailable
Criminal Trespass	447	Bailable.
Culpable Homicide	304	Not bailable.
————Attempt to commit	308	Bailable.
Dacoity—All offences connected with ...	395-402	Not bailable.
Defiling the water of a spring or reservoir ...	277	Bailable.
————A place of worship or sacred object ...	295	Ditto.
Deserter—Harbouring a	136	Ditto.
Desertion—Abetment of	135	Ditto.
Disease—Negligently or malignantly doing an act likely to spread infection of a—dangerous to life ...	269-70	Ditto.
Drainage—Causing mischief by obstruction to public	432	Ditto.
Driving or riding in a public way so as to endanger human life	279	Ditto.
Exhibiting a false light, mark, or buoy ...	281	Ditto.
Exposure of a child under 12 years of age with intent to abandon	317	Ditto.
Fire—Dealing with—or combustible matter, so as to endanger human life	285	Ditto.
Ditto with explosive substance	286	Ditto.
Funeral—Disturbing with intent to wound the feelings or insult the religion of any one ...	297	Bailable.
Government stamps—all offences connected with counterfeiting	255-9	Ditto.
Harbouring a deserter	136	Ditto.
————an offender charged with or under sentence for a capital offence or an offence punishable with transportation for life or imprisonment for one year or more	212	Ditto.
————an offender escaped from custody or whose apprehension has been ordered—if the offence be punishable with one year's imprisonment or any higher sentence	216	Ditto.

	Section of the Code.	Bailable or not Bailable.
Harbouring persons hired to form an unlawful assembly...	157	Bailable.
House-trespass—Simple or to commit an offence punishable with imprisonment	448 & 451-3	Ditto.
— to commit any other higher offence	449-58	Not bailable.
Death or grievous hurt caused while committing...	459-460	Ditto.
Human life. Doing any act which endangers—or the personal safety of others	336	Bailable.
Causing hurt by ditto	337	Ditto.
— Causing grievous hurt by ditto	338	Bailable.
Hurt—Causing—by dangerous weapons or means	324	Ditto.
— Causing grievous	325	Ditto.
— Ditto ditto by dangerous weapons or means	326	Not bailable.
— causing—to extort property or a valuable security, or to constrain to do an illegal act	327	Ditto.
Hurt—Administering a stupefying drug with intent to cause	328	Not bailable.
— Causing grievous hurt to extort, &c., as in 327	329	Ditto.
— Causing—to extort confession or information, or to compel restoration of property...	330	Bailable.
— Causing grievous—to extort, &c., as 330...	331	Not bailable.
— Causing—to deter a public servant from his duty	332	Bailable.
— Causing grievous—to deter, &c., as in 332	333	Not bailable.
— Causing—or grievous—on grave and sudden provocation	334-5	Bailable.
— Doing an act which endangers human life or the personal safety of others	336	Ditto.
— Causing—or grievous—by such an act	337-8	Ditto.
Infection—negligently or malignantly doing an act likely to spread infection of a disease dangerous to life	369-70	Ditto.
Kidnapping or Abduction for any purpose	363-7 & 369	Not bailable.
— Concealing or keeping in confinement a kidnapped person	368	Ditto.
Labour—Unlawful compulsory	374	Bailable.
Light—Exhibiting false	281	Ditto.
— Causing mischief by ditto	433	Ditto.
Lighthouse—mischief by destroying or moving or rendering less useful a—or sea mark	433	Ditto.
Mischief by causing diminution of the supply of water for agricultural purposes	430	Ditto.
Mischief by injury to a public road, bridge, river or navigable channel, so as to render it impassable or less safe for travelling or conveying property	431	Ditto.
— by causing inundation, or obstruction to public drainage, attended with damage	432	Ditto.
— by destroying or rendering less useful, or moving a lighthouse or sea mark or by showing false lights	433	Ditto.

	Section of the Code.	Bailable or not Bailable.
Mischief by fire or explosive substance to cause damage to the amount of Rs. 100 or more ...	435	Bailable.
— Same as last, to destroy a house ...	436	Not bailable.
— Committed after preparation made for causing death or hurt ...	440	Ditto.
Murder or attempt to murder ...	302-3 & 307	Ditto.
Navigating a vessel so as to endanger human life	280	Bailable.
Navigation—Causing danger, obstruction or injury in any public way or line of navigation	283	Ditto.
Nuisance—Continuation of—after injunction to discontinue ...	291	Ditto.
Obscene—Sale, import, or printing of—books or pamphlets, &c. ...	292	Ditto.
— Having ditto in possession for sale or exhibition ...	293	Ditto.
— Singing—Songs, &c. ...	294	Ditto.
Omitting to guard against danger to human life by the fall of a building over which the person has a right entitling to pull it down or repair it ...	288	Ditto.
Personating a public servant ...	170-1	Ditto.
Frostitution—Selling or letting to hire a minor for ...	372	Not bailable.
— Buying or obtaining a minor for ...	373	Ditto.
Public servant—Personating a ...	170-1	Bailable.
— Causing hurt to deter a—from his duty..	332	Ditto.
— Causing grievous hurt to deter ditto ..	333	Not bailable.
— Assault or criminal force to deter ditto ..	353	Bailable.
— Concealing a design to commit an offence which it is his duty to prevent ...	119	As for the offence.
Public way—causing danger, obstruction or injury in any ...	283	Bailable.
Rape ...	376	Not bailable.
Receiving stolen property ...	411-2	Ditto.
Receptacle—Opening any closed—containing or supposed to contain property ...	461-2	Bailable.
Religion: Destroying, damaging, or defiling a place of worship or religious object with intent to insult the religion of any class ...	295	Ditto.
— Disturbing a religious Assembly ...	296	Ditto.
— Trespassing in a place of worship or sepulture; disturbing a funeral with intent to wound the feelings or insult the religion of any person—or offering indignity to a human corpse ...	297	Ditto.
Resistance or obstruction by a person to his lawful apprehension ...	224	Ditto.
— to the lawful apprehension of another person: or rescuing him from custody—but... If charged with an offence punishable with ten years' imprisonment, or with any higher sentence...	225	Ditto.
		Ditto Not bailable.

	Section of the Code.	Bailable or not Bailable.
Retaining stolen property ...	411-2	Not bailable.
Riding in a public way so as to endanger human life ...	279	Bailable.
Rioting—all offences connected with, 147-8,	152-3	Bailable.
Robbery—all offences connected with, 392-4,	397-8	Not bailable.
Slaves—Habitual dealing in ...	371	Ditto.
Soldier—Wearing the dress of—with intent to be thought a ...	140	Bailable.
Stamp : All offences connected with counterfeiting a Government ...	255-9	Ditto.
Stolen property—Receiving, retaining, dealing in, assisting to conceal, &c. ...	411-14	Not bailable.
Suicide—Abetment of ...	305-6	Ditto.
—Attempt to commit ...	309	Bailable.
Theft of every description ...	379-82	Not bailable.
Thug—Being one ...	311	Ditto.
Transportation—Unlawful return from ...	226	Ditto.
Trespass—Criminal ...	447	Bailable.
—House ...	448	Ditto.
—House—to commit an offence punishable with death or transportation for life or to commit theft ...	449-50	451 Not bailable.
—House—to commit an offence punishable with imprisonment ...	451	Bailable.
—House—having made preparation for causing hurt, assault, &c. ...	452	Not bailable.
—Lurking house—or house-breaking in every case ...	453-60	Ditto.
Unlawful Assembly—Being a member of, joining or continuing in ...	143-5	Bailable.
—Hiring, engaging, or employing persons to take part in ...	150 as for the offence committed by the parties hired.	
Knowingly joining or continuing in an assembly of five or more, after it has been commanded to disperse ...	151	Bailable.
Unlawful Assembly—Harbouring persons hired for ...	157	Ditto.
—Being hired to take part in ...	158	Ditto.
Unlawful return from Transportation ...	226	Not bailable.
Unlawful compulsory labour ...	374	Bailable.
Unnatural offences ...	377	Not bailable.
Vessel—Mischief to destroy or render unsafe a decked—or a—of 20 tons, 28 maunds ...	437-8*	Ditto.
—Running a—ashore to commit theft ...	439	Ditto.
Water: Defiling the—of a public spring or reservoir ...	277	Bailable.
—Mischief by causing diminution of the supply of—for agricultural purposes ...	430	Ditto.
Wrongfully restraining or confining any person	341-4, 346-8	Ditto.

ALPHABETICAL LIST

OF

NON-BAILABLE OFFENCES.

To find whether an offence is bailable or not, see if it be included in the following list. If not, it will be bailable.

	SECTION OF THE CODE.
Abetment: bailable or not, as the offence abetted is bailable or not	109-114, 116 & 117
— of offence punishable with death or transportation for life	115
— of Mutiny	131-2
— of an assault on a superior officer	133-4
Assault to commit theft	356
Attempts: as the offence contemplated is bailable or not	511
Coin—All offences connected with counterfeiting	231-54
Concealing design to commit an offence punishable with death or transportation for life	118
Criminal Breach of Trust	406-9
Extortion by putting in fear of death or grievous hurt	386
— Attempt to commit, by putting in such fear	387
— by threat of accusation of an offence punishable with death, transportation for life or 10 years' imprisonment	388
— attempt to commit by putting in fear of accusation in Section 388	389
False evidence: giving or fabricating—with intent to cause a person to be convicted of a capital offence	194
— of an offence punishable with transportation or imprisonment for more than seven years	195
— Using such evidence as that in the last two Sections	196
False statement, rumours, &c.: circulating—to cause mutiny or offences against the public peace	505
Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant	466
— of a valuable security, will, or authority, to make or transfer any public security or to receive any money	467
— for the purpose of cheating	468
— making or counterfeiting a seal or plate, or being possessed of such seal or plate with intent to commit—under 467 or otherwise than under 467	472-3
— having possession of a forged document with intent to use it as genuine	474
— counterfeiting a device or mark used for authenticating the documents in 467	475
Weapons or means	326
— causing—to extort property or a valuable security, or to constrain to do an illegal act	327
— administering a stupefying drug with intent to cause	328
— causing grievous &c., as 327	329

SECTION OF THE
CODE.

Forgery—causing grievous—to compel confession or restoration of property	331
—causing grievous—to deter a public servant from his duty	333
House-trespass, to commit a capital offence	449
—to commit an offence punishable with transportation for life	450
—to commit theft	451
—having made preparation for causing hurt, assault, &c.,	452
—lurking—or house-breaking, in every case	453 to 460
Kidnapping—All offences connected with ..	363-9
Marriage: causing a woman not lawfully married to believe that she is, and to cohabit	493
—Bigamy with concealment of former marriage	495
—Fraudulently going through the ceremony of marriage knowing that marriage is not thereby effected	496
Miscarriage—Causing—without the woman's consent	313
—Death caused by act done to cause	314
—Act done to prevent child being born alive or to cause its death after birth	315
—Causing death of a quick unborn child	316
Mischief by fire or explosive substance to destroy a house, &c.	436
—to destroy a decked vessel or a vessel of 20 tons, &c.	437 & 438
—Running a vessel ashore with intent to commit theft	439
—committed after preparation made for causing death or hurt	440
Murder and culpable homicide	302-4 & 307
Possession of forged document with intent to use it as genuine	475
—of stolen goods	411-14
Prostitution.—Selling or letting minor for	372
—Buying or obtaining minor for	373
Public Servant, concealing design to commit an offence, which it is his duty to prevent, bailable or not, as the offence is bailable or not	119 & 120
—If the offence be punishable with death or transportation, not bailable	119
—omitting to arrest person under sentence of death or transportation for life; or imprisonment or penal servitude for 10 years or more	222
Rape	376
Receiving stolen goods	411-414
Resistance or obstruction to arrest of a person charged with a capital offence or punishable with transportation for life or imprisonment for ten years or more: or if sentenced to any of these sentences	225
Rioting, if the rioters commit a non-bailable offence or employing rioters in the same case	150
Robbery or Dacoity in every case	392 to 402
Slave dealing—Habitual	371
State offences except Section 129 (negligently suffering escape of a State prisoner by a public servant)	121-130
Stolen Property—Receiving or possession of	411-414
Suicide—Abetment of	306-6

	SECTION OF THE CODE.
Theft in every case	376-82
Thug—being one	311
Unlawful return from Transportation	226
Unnatural Offences	377
Violation of condition of remission of punishment	227

ART. V.—THE BENGAL MILITARY ORPHAN SOCIETY.

EIGHTY years, and over, is a good ripe age for anything Indian. The existence of an Institution for that period, embracing the best part of four generations of average Indian Service, whether Military or Civil, renders it very difficult to picture to oneself the state of things before it existed. Our two Army Funds have become so essentially part and parcel of the old Indian Army, that it requires an effort to realise a time, when they were not. Now the payment of our subscriptions has become such a matter of course, the deduction coming as regularly as the pay, that habit has grown into second nature; the process, too, is so simple and so *painless*,—one is spared the pain of parting with the money, as it never reaches one's hands,—it is all done so quietly for us, that we are often insensible how much we are really effecting: and it is not perhaps until the father receives the order to "go upon service," or is prostrated on a sick bed, that he begins to open his eyes to the benefits of the Funds; and then he experiences to the full a sense of consolation, which is beyond description, that whenever his career may be brought to a close, provision has been made—he himself has all along been making it—to save from poverty and misery the wife and children he may leave behind. But it was not always so. Time was, as old books of biography, or adventure, or reminiscence, or fiction, which saw the light in this country towards the close of the last century, or in the early years of the present one,—many of them now deservedly rare,—tells us, when the heart of Englishmen in India was being perpetually moved by some sad tale of improvidence and consequent poverty; a fine dashing, thoughtless young officer cut down by sickness or in the field, leaving behind a young wife—or perhaps one not a wife—and children, penniless, without a home, or a hope. One only course then lay open; a subscription list was sent round the station, or perhaps the Army, and a sum of money collected, to send the family to England, or to protect them from immediate want and misery. This was the ordinary course resorted to; with varied results, but never in vain; for already was the Indian army earning a name for open-handed liberality. Still the course, though common, was often very repugnant to the feelings of the mourners.

Moreover the tax thus levied was often a very unfair one. There were some officers, then as now, who always gave, and give liberally: but, then as now, there were others who gave nothing, or at best a trifle, and that grudgingly. To find a remedy for this state of things, and to equalise the burden, was a work to which many men had turned their thoughts: but nothing practical was effected until the beginning of the 1782; when a proposition was submitted to the Army, of the simplest character, and on the most acceptable, as well as the soundest basis, being really a Mutual Assurance Association, out of which grew the BENGAL MILITARY ORPHAN SOCIETY.

In vain have we endeavoured, in the records of the Society, and elsewhere, anywhere, to find a clue to the room, the house, if it still exists, in which this noble scheme was first propounded.* It would, however, add but little to the deep interest which every officer of the East Indian Company's Service must feel in the rise and growth of an institution, which, we believe, we may truly pronounce to be without its rival in the armies of the world,—an institution which has been so justly the pride, the joy, and the comfort of every parent who has served under the Old Company. But failing the exact locality, we can give to the world the names of the men, our own elder brethren in the Service, from whom the proposal of the Orphan Fund originated.

They were,—

Lieut.-Col. Patrick Duff, of the Artillery.

Major William Duncan, Artillery.

Major William Bruce, Infantry.

Capt. Robert Baillie, Do.

Capt. William Scott, Do.

and Capt. Mark Wood, Engineers.

Of the position and character of those honoured "fathers of our Fund," we regret that we can give little or no account. "Dodswell and Mill's Army List" only gives the dates of their appointments and retirements; and from two casual allusions in the *Calcutta Gazette*, we learn only, that Col. P. Duff, commanded the Artillery at Dum-Dum, and that Capt. Scott was, in the end of 1783, Secretary to the Commander-in-Chief.†

* All we can learn is, that the first meetings of the Management, when formed, were held in the house of Philip Delisle, Esq., wherever that may have been.

† In the *Gazette* of March 10th, 1785, Colonel P. Duff is mentioned as having been thanked in a General Order for the excellent condition of the Artillery under his command at Dum-Dum, when inspected on March 4th.

But to their number must be added the name of one who deserves more than a passing allusion, that of Capt. William Kirkpatrick, to whom pre-eminently the orphans of the Bengal Army are indebted for the existence of this Society.

With the characteristic modesty of real worth, the first Secretary of the Military Orphan Society never suffers a word to appear in the earlier Minutes to indicate that the design of the Fund originated with him, that he drew up the appeal to the Army, and that all the labour of organising the Society lay on him. It only comes out incidentally, and even then reluctantly, that such was the case, that current tradition has not erred in assigning to him the credit of being the founder and the framer of the Society. When in the end of 1783 he was compelled, by broken health to return to England, we find repeated allusions in the Minutes to the services he had rendered. In a farewell letter to him, the Managers gratefully acknowledge his activity and judgment in establishing the Institution, and in a letter to the Court of Directors, soliciting their recognition and support of the infant Society, they beg to refer the Hon'ble Court to Captain Kirkpatrick as the person most qualified to give them information on the subject, as having really originated the Society.

The Editor of the *Calcutta Gazette*, in speaking of the Society in the issue of May 19th, 1785, says:—"Let me not here forget to pay the tribute of praise so justly due to Captain Kirkpatrick, who, with a heart ever intent on doing good, drew up the original design, and laboured with unremitting zeal till he saw the work raised upon a permanent basis."

And what else, it will probably be asked, can be told us of this worthy? Perhaps some may superciliously remark that he was probably after all only a mediocre man—a man of one idea;—that this Society, allow it to be a work worthy of any man, was the one work of his life. A word regarding men of one idea. It is no little credit to the man of thus limited grasp of mind, if he work out consistently, and perseveringly, and successfully, that one idea for the benefit of his fellow-men. But such was not the case with Kirkpatrick. He

And in the *Calcutta Gazette* of the 4th of the following August, Colonel P. Duff and Captain W. Scott are mentioned, as taking a leading part in the "as well as the charities of the day, for their names appear among peaceful citizens of Calcutta, who formed a committee to take steps for enforcing an obnoxious Act (24 George III. cap. 25), which required that the servants of the Company on their return to Great Britain should deliver on oath an inventory of their whole property, under penalties of excessive severity, and also sanctioned the forcible deportation to England of British subjects charged with crime committed in this country.

was not merely an active philanthropist. He was undoubtedly a distinguished linguist in his day. He was a Persian scholar; for we find him holding the post of Persian Secretary to the Commander-in-Chief. He was a Hindostani scholar; for he published in 1785 what was probably the first Grammar and Vocabulary of Hindostani, which came from the pen of an Englishman.* And we find him, 30 years after, a Colonel, in the retirement of private life in the peaceful little city of Exeter, appointed by the Court of Directors to translate and publish the "Select Letters of Tippoo Sultan," being the treasonable correspondence of Tippoo found after the capture of Seringapatam.†

Such are the all too meagre incidents we have been able to collect, and weave together, regarding one whose memory so many a orphan, and so many a parent, of the old Company's Army has had cause to bless. To those who may be curious to know the form and bearing of this friend of the Orphan, it may be interesting to know that a portrait of him has found a fitting place in Kidderpore House.

Early in 1782, these half dozen officers, of various ranks and arms in the Service, put forth to the Army a plan for preventing, if possible, those appeals to individual charity already alluded to, which the evil influences of the climate, aggravated by the still more evil and pernicious habits of society which prevailed three quarters of a century ago, rendered so frequently necessary.

The leading features of the plan, then proposed to the Army, will be seen in the following abstract of the Rules, embodying the principles on which the Fund was to be based: the 1st, 2nd, and 3rd being the really fundamental rules,—that the Officers consented to have specified sums deducted from their pay, and that the Government recognised the plan to the extent of allowing the Pay-Masters to make the deductions on account of the Fund.

The 1st Rule provided that each Subaltern and Assistant Surgeon should contribute sicca Rs. 3; each Captain and Surgeon, S. Rs. 6; and each Major, S. Rs. 9. (Shortly after Chaplains were included, as Majors; Commissaries, as Captains; Deputy Commissaries, as Subalterns; and Conductors at half Subalterns' rates.)

The 2nd That to prevent difficulties and expense in the collection, as well as to secure the amount against all accidents,

* *Calcutta Gazette, Supplement, August 25th, 1785.*

† A copy of this rare work is in the Calcutta Library at Metcalfe Hall.

the officers do consent to the deduction of the specified contributions from monthly pay.

The 3rd—That the several Pay-Masters be empowered to make the said deductions monthly, and, through the Pay-Master-General, account for them quarterly to the Society in Calcutta.

The 4th—That the Society be under a Governor, Deputy Governor, and twelve Managers, 6 of them residents in Calcutta, and 6 out of the officers on duty at the Presidency.

The 6th—That each of the Brigades* nominates two of the latter as its representatives.

The 9th—That a Standing Committee be formed at the Head Quarters of each Brigade to transact the local business of the Society.

The 15th—That all Orphans of deceased officers then in India be admitted as soon as the state of the Fund shall admit.

The 16th—That the benefits of the Fund be extended to all qualified Orphans that have been sent to England.

The 19th—That all Orphans shall be collected together at the Presidency, in one or more houses as shall be found necessary.

The 21st—That no time be lost in making arrangements for the removal to England of all Orphans, legitimate and illegitimate; and engagements be made with proper persons to contract for receiving, lodging, boarding, clothing, and educating them till a certain age.

The 22nd—That female Orphans be not kept in India after four, the male Orphans after five, years of age.

The 23rd—That the legitimate Orphans be made over to their relations, or trustees, who shall pledge themselves to administer the allowance with fidelity.

(The 24th and 25th Rules are so illustrative of the ideas and idioms of that day that we give them *verbatim*.)

The 24th—“ That, on the male Orphans sent to England
“ attaining the age of fourteen, the Management or their
“ Agents at home shall determine on their settlement in the
“ world, selecting an occupation according to the circumstance
“ or disposition or genius of each. Such as may discover
“ a turn for any particular occupation or trade, shall be bound
“ apprentice to the business of their choice at the expense
“ of the Fund; and after having performed their indentures,
“ shall receive from the Society such assistance to enable them

* The Brigades appear to have then been those of the Presidency, Dinapore, and Cawnpore.

“to set up for themselves as the Management, or their Agents
 “(whom they are carefully to choose), shall judge necessary to
 “bestow, and the funds of the Society may afford. Such as
 “shall be considered fit for Military Service of the Company,
 “shall be recommended to the Hon’ble the Court of Directors
 “for the appointment of Cadets; on obtaining of which they
 “shall be fitted out for India in a suitable manner at the
 “charge of the Fund.”

The 25th.—“That female Orphans, on attaining the age of
 “twelve, be apprenticed to creditable milliners, mantua-makers,
 “stays-makers, or otherwise, as the Management or their Agents
 “shall determine, and that after serving their time, they shall
 “obtain from the Society the necessary help towards enabling
 “them to set up in business. That, should they at the
 “period of their engaging in business be disposed to enter
 “into the matrimonial state, they be further entitled to
 “receive such marriage portion or dowry as the Management,
 “or their Agents in England (whose approbation of the
 “connection shall be previously yielded), shall think proper to
 “grant; and that no girl after such period shall have any
 “claim on the Institution for marriage portion or dowry:
 “but be considered as finally discharged from the foundation.

“And 27th.—That the Management be empowered to frame
 “such bye-laws and regulations as they shall from time to
 “time judge expedient: the spirit of the proposed Institution,
 “and not the letter of the preceding articles, guiding their
 “determinations in every case that may come under their
 “consideration.”

Such was the plan submitted to the Army: and unanimously
 adopted by the Officers, with the exception of *one or two*
 dissentients. In the middle of November, 1782, the small
 band of the friends of the orphan again met, and resolved
 to lay the rules, thus accepted by the Army, before the
 Governor General (Warren Hastings), and Council, through
 the Army’s natural patron and friend, the Commander-in-Chief,
 (Sir Eyre Coote).

The letter written to Sir Eyre Coote (which bears date
 November 18th, 1782) addresses itself rather to objections which
 had been suggested to certain matters of detail, leaving the
 main principles of the scheme to speak for themselves. The
 real weight of some of these objections may be estimated by
 taking one or two examples. One objection was, that
 thirteen gentlemen would with great difficulty be found to
 act on the Management, if they were to be subject to the
 interference and attempted control, which, it was assumed that

District Committees would exercise. To this it was really thought necessary to reply that the attempt to exercise undue influence on the part of the Brigade Committees was after all only an *assumption*; and that if thirteen gentlemen were now found ready to undertake the office, there was no reason to doubt that others would be found to fill their places when vacated. Another objection was, that great difficulty would arise in finding persons in England to take charge of the orphans. This was met by a similar reply, that there was no ground for anticipating this difficulty, and that if any difficulty did arise, England was a large place, and presented more likelihood than India did of finding or making such homes for the orphans.

But there was one objection, and it was really a grave one, to be met,—the sending to England the illegitimate as well as the legitimate orphans; and this objection rested chiefly on physical and moral grounds. In defence it was urged that there was no reason for assuming that an English climate would be injurious to the children of Indian mothers, or that they would inherit such vicious dispositions, as to make it very objectionable to send them to old England; as though no education, even in England, would eradicate, or tend to subdue these vicious tendencies; it was urged, too, that the West Indies and North America had already produced and sent to England specimens of a mixed race, and that they had brought no such disgrace on their parentage. But, above all, it was urged, that without this concession the Fund would never have been established,—that there were promptings of nature, and duties of parentage even towards such children, and “that the orphan of an officer and a gentleman should be entitled, by education and capacity, to move in a sphere somewhat superior to that of a Portuguese or a Bengal writer.”

Such was the general tenor of the letter addressed to the Commander-in-Chief, and either so powerful was the line of argument pursued in it, or so cordial the advocacy of Sir Eyre, that on the 13th of the following March,—a promptitude, which may well astonish the Managers of the Fund in 1866,—a Resolution was passed by the Governor-General and Council, fully adopting the proposed measure.

So different were the first principles of this Fund from those of the one established twenty years later by the Civil Service, that, a slight digression will not be out of place in drawing the comparison between them. There the providing for the *illegitimate* children became the great bone of contention,

and so bitterly was the principle contested that it at first endangered the formation of the Civil Fund; and when, after being kept for some time in suspense, it was settled, it was only by excluding illegitimate children not only from equal rights, but *from any rights at all*. In contrasting the action of the two Services on this important point, it should be borne in mind that in the twenty years, which intervened between the formation of the two Funds, a great change in the tone of Society had taken place, and a marked improvement in the character of domestic life of Englishmen, Civilian and Military alike, was already becoming preceptible. It would be most unjust to the Officers of the year 1782 to infer that they only were lax in morals and habits of life, or more so than their Civilian brethren. Only glimpse at the struggle which went on among the Civilians in 1804.* The Service divided itself into two great parties on this question, on one side were arranged *all the old Civilians*, on the other the young ones, powerfully backed, as they naturally would be, by the then Governor General, Lord Wellesley, fresh from England; and the younger ones carried the day; and illegitimate children are ignored by the Civil Fund.

Without entering into the abstract question in a religious and moral point of view, it may be permitted one who is still occasionally called on to decide on the admissibility of such children, and is daily brought into contact with the body of them in their happy home at Kidderpore House, to feel thankful that the Military Orphan Fund was called into existence when it was, instead of twenty years later. Had its formation been effected in 1804, instead of in 1782, who can say that there would not have lived hundreds of orphans of English Officers, in scenes of privation and perhaps of vice, suffering the pains and penalties of their fathers' sins, for whom the Fund, as modified—for the Government over-ruled, as will be seen hereafter, the wish of the Army that *they* would be sent to England—has provided in India schools and an asylum?

But to return to the action of Government on Sir Eyre Coote's representation. A very few months after that letter

* One of the best accounts of this struggle may be found in Claudius Buchanan's life, by Pearson, Vol. I. p. 300. "A few years ago" (says Dr. Buchanan writing to a friend) "any man who should have ventured to resist such a measure, on the ground of religious or moral propriety, would have become the jest of the whole service;" and goes on, with what justice I leave others to say, to ascribe this great improvement to the recently formed College of Fort William, of which he was the first Vice-Provost!!

with the scheme of the Fund was sent in, the following order was passed:—

“Extract. Minutes of Council, 13th March, 1783.

“Ordered, that the following stoppages be made for the support of this Fund from the pay of the officers of this Establishment, who shall consent thereto, *viz.* :—

“From each Major, 9 sicca rupees per month; from each Captain and Surgeon, 6 sicca rupees; and from each Subaltern and Assistant Surgeon, 3 sicca rupees.

“That the Pay-Master-General do give instructions accordingly to the several Pay-Masters, with directions to account regularly to him for their receipt, and that he do account quarterly with the managers of the Fund for the whole.”

Even before this favourable decision of Government was made known, a letter had been addressed to Sir Eyre Coote (13th February, 1783), soliciting him as “the most able and “most natural protector of that useful and humane Institution, “to accept the office of Patron and Governor,” to which he readily acceded in a letter, dated March 18th.*

This must have been one of the last public acts of the brave but irritable old chief. He had returned from the Carnatic in September, 1782, indignant at the Madras Government for refusing him the supreme command in that Presidency as well as in Bengal. Armed with power from the Calcutta authorities he returned to the Army “early in the spring,” and reached Madras on the 24th April, to die three days after, of apoplexy, brought on, it was thought, by excitement caused by his triumph over the opposition of the Madras Government, increased by the anxiety of being chased for some days by a French Privateer in the Bay.†

We now come to a most interesting period in the infancy of the Institution. We see it beginning to assume form; it has the countenance of the Government; a meeting is held—the first, of which any record has been preserved—what had hitherto been a self-constituted Provisional Committee, become a Board of Managers; the foremost and most active still takes the labour oar by consenting to become the Honorary Secretary—and work begins in earnest: for the men who formed that Board had their hearts in the success of the scheme.

One noticeable feature of this Board of Managers has now entirely passed away. It contained a mixture of non-military

* The Commander-in-Chief has almost ever since, as the head of the Army, been elected the Governor of the Military Orphan Society.

† Mill's History of India, B. V., ch. 5.

members with those of the Army. This arose from the following circumstances:—The Fund, as originally proposed, was only to include the lower grades of Officers, from the Majors downwards; it being left to the higher grades to make *voluntary donations*, as it was thought they would be in so few instances likely to have children young enough to be entitled to benefits. It was proposed, moreover, to open a general subscription, in order to place the Managers in a position to receive applicants at once; but the orphans found friends on all sides, so many, and so open-handed, that a general appeal was rendered quite unnecessary. Among the foremost and most liberal of these friends were civilians and merchants resident in Calcutta, and their co-operation was recognized by the military managers passing a Resolution,—the first Resolution of this first meeting of which any record exists,—the meeting at which they themselves first formally took their own seats, (March 29th 1783),—that the *Deputy Governor and six Managers should be elected out of the non-military subscribers*. The names of these seven are given: but unhappily little more than their names; for nothing beyond an occasional conjecture can fit any of them in his place in the Calcutta of that day. They were—

- (1) Claud Alexander, Esq., elected Deputy Governor.
William Paxton, Esq.
- (2) James Miller, Esq.
Andrew Williams, Esq.
- (3) Edward Hay, Esq.
William Jackson, Esq.
- (4) Philip Delisle, Esq.

¹ Claud Alexander was most probably the enterprising founder of the once well-known house of Alexander and Co.

In the Park Street Burial Ground, there is, according to the *Bengal Obituary*, the tomb of a Mr. James Miller, who died in July 1799, 54 years of age, who is described as having been Mint Master.

Mr. E. Hay appears to have been the Secretary to Government, and to have also had considerable talents as an Accountant, for in the *Calcutta Gazette* in 1785, he is mentioned as having been appointed Joint-Secretary of the Bank of Bengal. His official connexion with Government doubtless made his presence at the Board of Managers of great importance; to which, also, his knowledge of accounts gave additional value. For at one of the early meetings in 1783, Mr. Hay was specially asked to assist the Secretary in forming a plan for conducting the business of the Society.

The *Bengal Obituary* tells us that in the South Park Street Burial Ground, there is the tomb of one Philip Delisle, who died in 1788, aged 46 years: but no allusion is made to his occupation. This name occurs so constantly in the Notifications of estates of deceased persons in the *Calcutta*

Such were the component parts of the original Board of Managers. Their first work was to draw up a letter to the Court of Directors, bespeaking *their* countenance and support for the proposed Fund; entreating them to make it compulsory on all officers thenceforth entering the Service to subscribe; asking the Court to take charge of the Orphans who might be in, or should be sent to, England, and to give Cadetships to all Orphans who should prove duly qualified. They then proceeded to elect twenty-one orphans, for whom application had been already made: and proposed certain points to be submitted to Sir Elijah Impey for his legal opinion to guide them in dealing with exoeptional or complicated cases which might arise.*

One important Resolution, arising out of their readiness to take over in trust any money belonging to the estates of orphans, provided no legal objection to the transfer were raised by executors or trustees of such property, shall be given in full as explaining the system always adopted by the Society in dealing with such trust money.

Gazette, in the years 1785-6-7, that the inference is either that Mr. Delisle was a man of high repute for integrity, and vast good nature, and that he became a sort of Universal Executor; or else that he held an office corresponding to that of the present Administrator General.

* The following are the cases submitted to Sir Elijah Impey for his opinion, which in each case is appended,

1st.—“Private subscriptions having been frequently set on foot and sums raised for the benefit of orphan children individually, can the persons who have *voluntarily* and without any kind of written or verbal appointment taken charge of the amount of such subscriptions, and of the infant or infants for whose use they were raised, upon such infant or infants being admitted upon the Orphans Establishment, resign his or their trust to the Management, and pay over what shall remain of such subscription unappropriated to the Society? And must not the principle at least of such unappropriated money of paid over remain in the hands of the Society as a deposit in trust for such infant or infants on whose account it was paid in, till such infant or infants arrive at the age prescribed by the Rules of the Society for being put out to trade or business, the Society in the meantime appropriating the the interest towards defraying the expenses of the child's maintenance and education?”

Sir Elijah Impey's opinion.

“If the persons here described choose to deposit the money in the hands of the Society, they may do it, but the Society can only be considered as the agent of such persons, who cannot by any means delegate their responsibility, whether the Society will choose to accept of the money on such terms, subject to the inspection and control of such person into whose hand the subscription may have been first paid, is a matter for their own consideration.”

2nd.—“If, after such unappropriated money shall be paid to the Society, and the infant or infants, for whom it was raised shall have

Resolved, "that it be understood and expressed that this Management shall appropriate to the purposes of the Institution *only the interest* of the sums so thrown into the Fund, or made over in trust to the Society: and that the principal, or original sums, so deposited shall always be considered as the right of the orphans on whose part such deposits may be made, to be paid to them either upon their coming of age, or whenever the period shall arrive for settling them in business."

This simply honest rule may contrast favourably with the system adopted by certain so-called charitable Institutions in Europe, where too often the orphan's little property is appropriated, in the name of religion too, and absorbed into the wealth of the Institution.

It may be well to anticipate the regular order of events, and state here the result of this application to the Court of Directors, who in a Despatch, dated 14th March, 1786, explicitly laid down the extent to which they would countenance and help the Fund.

The Court approved generally of the objects of the proposed Institution, and readily authorised the agency of

"been admitted on the foundation, such infant or infants shall happen to die before the age at which it or they would become entitled to receive such money, can the Society add it to its capital stock, or who is to be considered legally entitled it?"

Opinion.

"If the child here mentioned be legitimate, the money belongs to its heirs-at-law; if illegitimate, the Crown alone has the legal claim to it. In the latter case it must of course remain in the possession of the trustee till the Crown asserts its claim."

3rd.—"Can such as are by Will or other Deed appointed executors, guardians, or trustees, and thereby become legally vested with the charge of orphan children, of any due or sums of money bequeathed to them by their parents, in case they should find their wards, by reason of the smallness of the sum bequeathed them, or the insolvency of the parent's estate, entitled to be admitted on the foundation, legally resign the charge of the person and fortune of their ward to this Society?"

Opinion.

—"Executors, guardians, and trustees cannot vary the trusts with which they are charged, or absolve themselves from the responsibility attending them: but they may (as in the first answer) constitute the Society their agents."

4th. "As it is presumed the relations or friends in England, of people dying in this country, whose orphans may have been admitted on the foundation, may wish to take them from it and take charge of them themselves, can such relations or friends in the life time of the child oblige the Society to give up any sum or sums of money they may have received in trust for the child?"

Sir Elijah answers—"Certainly not."

the Pay-Masters : but expressed its opinion that the sending children to England should be confined to *legitimate* children, when both parents are Europeans. They consented to remit money to England on account of the Fund on the same terms as they did for the Officers in their Navy. But the Court declined to take any general control and direction of the orphans in England, or to pledge themselves to give Cadetship, as suggested. They also declined to make subscription compulsory : but in 1798 (G. O. 21st December) on being again appealed to, they included subscription to the Funds as thenceforth one of the terms of the covenant, and required all officers who had not subscribed hitherto to pay up arrears.

Applications for admission now quickly poured in ; and with them came the necessity of making some provision for receiving the orphans. On April 2nd, 1783, an arrangement was made with a Mr. Cowen, who kept a boys' school, to board and educate the orphan boys, who were old enough to go to school, at 40 sicca rupees a month, exclusive of clothing.

For the girls and infants it was decided that some roomy house should be taken, and a respectable person put in charge to superintend the establishment. The only house which then offered, having sufficient accommodation for the purpose, was one belonging to Mr. Croftes, situated in Radha Bazaar.* Here they placed a Mr. and Mrs. Jervis (or Jervais), allowing for educating and dieting them, (the clothing to be a separate account), at the rate of 35 rupees a child until the number reached 30, and 30 rupees a head when they should exceed that number.

In June of this year the Managers, who had hitherto met in Mr. Delisle's house, resolved to hold their weekly meetings at Mr. Jervis's house : which may, therefore, be regarded as the first "local habitation" of the Orphan Society.

The work of the Society increasing, an Assistant Secretary (a Mr. Henry Ackland) was appointed, on Rs. 200 a month.

There must be some resemblance between the laws which govern matter, and those which influence mind. A rolling stone sets others rolling. *Exempla trahunt.* A few benevolent minds once set rolling, others are carried along with them. A very few months after all this had been going on at Calcutta, there came a letter from the Cawnpore Station Committee, suggesting that as the orphans of Officers were now being provided for, it was time some thought was bestowed on the children

* The writer has been unsuccessful in his attempts to identify this house. Mr. Croftes appears to have been the Secretary in the Revenue Department.

of soldiers: it was proposed that the Orphan Society should open a school for them at Cawnpore, which the Rev. J. Mackinnon, then Chaplain of that Station, offered to superintend. But the influence of this movement had been extending itself in other quarters also. It was intimated that Government were about to make a proposal to the Managers to graft on to the Orphan Society a Lower School for the orphans of soldiers. The Cawnpore proposition was consequently ordered to stand over.

The proposal from Government came in June 1783, in a communication from Major General Stibberts, then officiating as Commander-in-Chief. The Government asked the Managers if they would undertake the charge of the orphans of Non-commissioned and Private Europeans on their Establishment, a suitable allowance being made to the Society for each child. The Managers expressed their readiness to undertake the charge, at the rate of Rs. 5 a month for each child. The Government replied that this was an excessive demand for each child, "being more than is paid to many artificers in the service." The Governor General and Council deemed Rs. 3 sufficient, and were willing to pay at that rate.* The Managers acceded to the reduced rate, but in terms so manly and honourable that they shall speak for themselves. The letter is addressed to Major General Stibberts.

After acknowledging the letter under reply, they say as follows:—

"The wishes of the officers of the Army, of whose sentiments on this subject we are fully apprised, joined to a consideration of the true spirit of the Institution committed to our management, dispose us, Sir, to the most ready and cheerful acquiescence in the proposal of the Hon'ble Governor General and Council, and would have operated, permit us to assure you, to the same effect, although the offer of the Board had been even more inadequate to its object than it is.

"But it is proper we should observe that, however competent a monthly allowance of *three rupees* may be to the maintenance of a *Doolie* or *Bildar*, yet it cannot thence be reasonably inferred that the same allowance is sufficient for the purposes of dieting, clothing, and educating.

* It will scarcely be credited that not four years before, every legitimate child of a private soldier drew the full pay and batta of a private soldier, and that without any deductions. This only ceased in July, 1779, and now Rs. 5, was thought too much!!

"the orphans in question; to say nothing of the expense which it would seem must unavoidably attend their future establishment, especially that of the females. We are aware, indeed, that the education requisite to be given to the boys cannot be very expensive: yet as it will at least be necessary to instruct them in reading and writing, so that they may be equal to the duties of a sergeant, even this article will be too chargeable to admit of fair comparison between them and artificers.

"We might further observe that as the children of Europeans, all of whom have died, and many bled, in the service of the Company, they appear somewhat better entitled to the attention of Government than any class of native artificers can be; since, although many years may elapse before they can be so useful, yet it is not to be doubted but that with suitable care they may be enabled to render essential services hereafter in the Military and Marine departments, not to mention other branches of the public service for which they may become no less qualified.

"But we purposely decline the discussion of these points; nor will we further press either you, Sir, or the Hon'ble Board, on the subject of the allowance, because we are hopeful that the funds of the Society* will always be equal to the defrayment of such additional charges on account of the orphans of Non-commissioned Officers and Privates, as may arise from the insufficiency of that allowance."

The Governor General and Council would not take the hint: economical they would be; and passed a Resolution (15th May, 1783), that Rs. 3 a head per month was enough to be paid for the education, clothing, and feeding of the children of soldiers; and out of this arose the LOWER ORPHAN SCHOOL.

No sooner had the Managers undertaken the additional responsibility of superintending the education of the soldiers' orphans than they set to work to establish a home for their reception. As this was wholly beside their own direct and legitimate work as Managers of the Orphan Society, and as it was palpably the duty of the Government to incur all expense in providing a site, and in erecting suitable buildings for the purpose, the Managers at once applied to Government. They asked—

* This part of the arrangement was strongly objected to by the Presidency Station Committee, as a misappropriation of funds subscribed by officers for the benefit of their orphans only.

1st—For a grant of land in the vicinity of Calcutta;

2nd—For a sum of 40,000 rupees, the estimated cost of the requisite buildings;

And to these a 3rd request was added, that, to meet the existing difficulties of educating children in the up-country stations, and to rescue them from the contaminating influence of barrack life, the children of soldiers *still living* should be admitted to the benefit of the school about to be formed for the orphans.

To each of these requests a favourable answer was received early in 1784; the choice of four sites was offered; an advance of money promised; and the children of living soldiers declared to be admissible.

The 4 vacant pieces of ground suggested were—

1st—"A space lying to the southward of the new Jail, and between it and the General Hospital."

2nd—"A large piece of ground running along the north bank of Govindpore Nullah, from the bridge at Mr. Levin's garden to the Belvidere Bridge."

3rd—"A piece of ground also on the north side of Govindpore Nullah, extending from Belvidere Bridge to Salmon's (*sic*) Bridge."

And 4th—"A piece of ground immediately adjoining and above Ducansore."

Here let us diverge for a short antiquarian excursion. To some at least of our readers we feel sure that the attempt to identify these localities will not be without interest.

There will be little difficulty in fixing on the first site. At present this space is cut up by converging roads; but at that time, as Upjohn's Map of 1796 shows, the main road ran from the Chowringhee corner close up to the walls of the General Hospital, leaving a goodly space vacant to the South of the Jail.

Regarding the second and third sites it is only necessary to premise that *Govindpore Nullah* was the old name of what is now called Tolly's Nullah. The origin of this earlier name may be thus traced. At the foot of Hastings Bridge there stood for many years a small shrine to Govindjee,* which it would seem gave the original title of *Govindpore*,† to the locality now known as Coolie Bazaar; and so

* This shrine, when its removal was necessary to make way for the approach to Hastings Bridge, was transferred to a vacant space close to the present Commissariat Barracks in Coolie Bazaar, where it still stands.

† In 1758, a *sunnud* was issued granting rent free to "the English Company of Merchants" the Mowzah of Govindpore, the richest in the Pargunnah of Calcutta, including the site of the present Fort. In the oldest map of Calcutta, now extant, that of 1758 it is mis-spelt *Governapore*.

the nullah running by came to be called *Govindpore Nullah*. In its present name it immortalises the engineering enterprise of Major W. Tolly, who widened and straightened it in 1777. Under its new name it appears so early as 1794 in "the Proclamation fixing the limits of Calcutta," so that it took but a few years for the English Engineer Officer to supersede the original Hindoo Thakoor.

It is clear then that the second site was the space to the east of Belvidere bridge, now occupied by the Telegraph-store-yard; though of Levin's garden and the bridge adjoining not a vestige, or a tradition remains; while the third site was the long space, still vacant, stretching along the nullah bank between Belvidere and Kidderpore bridges. The name "Salmon's," as it appears in Baboo orthography, is evidently a mistake, for in Upjohn's old map it is called "Sirman's," and in "the Proclamation," already referred to, "Surman's or Kidderpore bridge."

The fourth locality is easily identified; it has but little changed its name, or perhaps more correctly it still retains its original name, of which the above was an English corruption. On the north, of Calcutta, lying between the Cossipore Foundry and the country retreats of Tittaghur, is a district called *Deccanshur*; and here clearly lay the proffered garden.

One condition was added in case this site was chosen, that compensation to the extent of some Rs. 3,000 should be given to the boatmen who had hutted themselves, and formed a settlement on the ground adjacent to this garden.

Of these four sites the Managers deemed the latter the most eligible, probably from there being a house on the ground ready for immediate use; and at once advertised for tenders for the adaptation of the existing buildings, and the erection of such others as were necessary. An application was made to Government for an advance of Rs. 20,000 towards these alterations; but it was met by an offer of the empty warehouses at the Company's Factory at Pulta, near Ishapore, as a temporary arrangement; for the financial difficulties of Government rendered it impossible for them then to spare that sum from the Treasury. And who that recalls the state of Bengal at that time (1784),—the war in the Carnatic, the attitude of the Mahrattas, the Army six months in arrears of pay, the stipulated payments from the several native states irregularly made,—who can think of this accumulation of demands on an already exhausted Treasury, and wonder at Government asking for time, and suggesting as an expedient the Pulta Factory? However

the Managers, having a considerable sum in hand* and being unwilling to lose this chance of Dueansore, which was on many accounts preferable to Pulta, began at their own expense to set the place in order; the more urgent alterations were covered by about Rs. 3,500; and by the end of the year the garden-house was ready to receive such soldiers' orphans as had already arrived in Calcutta; and they moved in, 96 strong—54 girls and 42 boys, under charge of two Serjeants and their wives. Government also, at the recommendation of General Stibbert, allowed an Assistant Surgeon on 200 rupees a month (including the supply of medicines) to be attached to the Establishment.

It has been noticed that Government refused to give more than Rs. 3 a month for each of the soldiers' orphans, although the Managers asked for Rs. 5; and it may be mentioned that of the many tenders sent in to *feed* the children, not including teaching and clothing, not one was under Rs. 5 a head, which shows how moderate was the estimate sent in by the Managers. However for a short time the Managers were in great concern that even the Rs. 3 would cease as soon as each child reached the age of 12 years. For such appeared to be the intention of Government. Against this they earnestly protested; they pointed out to Government that to stop the allowance at 12 was virtually to throw away all that had been spent on these children, as they would then be only beginning to know the value of education, and would still be far too young to earn their own bread. General Stibbert warmly supported this remonstrance, and the point was carried; the allowance was in every case to be continued till 15 years of age; and "in particular cases, such as mental or bodily infirmities," the payment was to be drawn for such period as the Managers should deem necessary. The Court of Directors, however, in a Despatch bearing date 24th February, 1786, declared Rs. 5 to be only a fair rate, and authorised its payment, with arrears from the first formation of the Lower School.

Dueansore, however, was not destined to be long the home of the soldiers' orphans; from various causes the working of the establishment proved very unsatisfactory; the distance from Calcutta rendered efficient supervision impossible; and many local disadvantages presented themselves. So that when about this time a large house at Howrah, known as "Levett's house

* In August, 1784, the amounts showed from subscriptions alone, independent of deposits and patrimony, a balance of 47,500 rupees.

and garden," was most opportunely offered for sale, the Managers resolved to purchase it, though the price was Rs. 65,000. Towards this sum they applied to Government to give the Rs. 40,000 which had been promised towards the erection of suitable buildings for the soldiers' orphans; and the Managers were prepared to invest Rs. 25,000 on account of the Orphan Society with the view of bringing together the two schools under the same roof. This arrangement was carried out at once; though many months elapsed before the sanction came from England to pay the Rs. 40,000, which the Society advanced. The children of the Lower School were brought down by boat from Ducansore, and occupied the whole ground floor; while the officers' children, henceforth distinguished as the *Upper School* also came,—the boys from Mr. Cowen's, and the girls and infants from the *Radha Bazaar House*,—and were located in the upper story. There, by the end of 1785, all were housed; the *Upper School* mustering 96, and the *Lower School* having already risen to 160, boys and girls.

But we have been anticipating as regards the condition of the *Upper School*, in order to reach the common standing point which the *Howrah* establishment offered. We must now retrace our steps, and take up the thread of the general history of the Society where we dropped it.

The Orphan Society appears to have furnished no exception to the general character of Calcutta life, as shifting as the sands of the river Hooghly that flows by. Before the end of the year 1783, no less than three of the six elected officers had disappeared from the list of Managers; Major Duncan and Captain Baillie had left, on the removal of their regiments to Berhampore; and Captain W. Bruce had died; while the Honorary Secretary, Captain W. Kirkpatrick, the life of the whole, was driven by broken health to England. This latter event, however, was turned to good account; as it did securing for the infant Society a zealous representative at Leadenhall Street; for Captain Kirkpatrick carried with him full authority to represent the Society; and it is evident that in many ways his energetic advocacy proved of incalculable value. He found ready support, too, from several retired old Indians; and on his return to India in 1785, he left the interests of the Society in the hands of a retired Madras officer, Major Alexander Mitchell. In other quarters, also, he pleaded the good cause; he obtained liberal aid in the form of large grants of books, &c., from the Society for Promoting Christian Knowledge; and indeed it was to him the Institution was indebted for its first Superintendent, the Rev. David Brown,—a name so much more generally connected with the early days of the Old

Mission Church, and associated with those of Claudius Buchanan, Henry Martin, and Thomason, that his original appointment, the one which brought him to India, that of Superintendent of the Military Orphan Society, is often quite overlooked; yet such was his first sphere of duty,* on which he entered on June 18th, 1786.† Of this more anon.

It has been already noticed, that it was not until the end of 1785, that any reply came from the Court of Directors, to the Society's application, though it had been forwarded in 1782. And little was this delay to be wondered at: it arose from no indifference to the well-being of their servants, and of the orphans of their late servants, in India. Look for one moment at the condition of the political world in England during those three years. The year 1782 had witnessed the death of Lord North's ministry; then came the short-lived ministry of the Marquis of Rockingham, followed for a few months by Lord Sherburne. Early in 1783, came Lord North again, with the Coalition Ministry; to make way before the end of the year for the Boy-Premier, William Pitt. And of each successive Ministry India, and an India Bill, seem to have been the *cruz*; for the Indian Charter was now expiring, and the terms of its renewal was the *causa teterrima belli*. Throughout this momentous and rancorous party struggle, the Court of Directors were of course in imminent peril; their very existence, as a political body at least, was in danger. And, besides their danger from a Parliamentary faction, the policy of the Governor-General, Warren Hastings, furnished constantly a bone of contention between other parties. On one side were the Ministry of the day, whichever it was, grasping at the patronage of India;‡ on the other side were the Court of Proprietors of India Stock ever ready to vindicate the character of Warren Hastings, and support his policy: and thus the Directors, attacked on this side and on that, torn hither and thither, were rendered well nigh powerless.

Under such a state of things it can scarcely be wondered at if, with the pressure of business involving their political life and death, the Directors suffered the claims of the orphans, however warmly advocated, to stand over.

* Among the recommendations which Mr. Brown* says were held out to him, not by Kirkpatrick be it remembered, were that "the climate was considered healthy, and provisions cheap." *Life of the Revd. D. Brown*, p. 6.

† *Life of Revd. D. Brown*, p. 25.

‡ Even Pitt, who rose on Warren Hasting's success, is not altogether clear in this matter. See *Gleig's Life of Warren Hastings*. Vol. III. Chap. 8.

When the decision of the Court did come, it made up for any delay in the liberality with which the general principles of the Fund were adopted, and the wisdom with which some of the details were modified. The most important modification has been already noticed; it was declared undesirable to send to England the illegitimate orphans, who were to be educated in India; while the plan of sending the legitimate orphans home for education was highly approved. The receipt of this decision of the Court called the Management at once into action. Having no school of their own in England for the reception of these orphans, and moreover deeming it much more desirable that the affection and interest of relatives should be enlisted on their behalf, they resolved on a rate of English out-ward allowances—£25 a year to all orphans under 6 years of age; while between the ages of 6 and 14, to each boy £35, and to each girl £40 a year. Major A. Mitchell, undertook to receive charge of all the orphans on arrival, and to consign them to their friends; and moreover to see that the allowance granted was expended in their education. In 1787, a payment of £100 a year was made to him in consideration of the trouble and expense he might be called on to incur in the cause of the Society. Out of this grew the "Home Agency."

Consequent on the appointment of Major Mitchell as the Society's Agent in England, a Committee was also formed there in the end of 1786; on which we recognise among others the names of some who had been active Members of the Management in India,—Cland Alexander, Esq., who had been Deputy Governor; and General Stibbert, for some time Governor. And here it may not be out of place to mention that among the warmest advocates of the claims of the Society, to whom it was mainly indebted for the favour it met with in the Council Chamber at Calcutta, and to whose hearty co-operation, while his name still carried so great weight at the India House, it owed much of the support given to it there, we welcome the name of Warren Hastings.

In working out their plans, the Managers were continually finding it necessary to modify or alter some minor details of the system as originally sketched out; but the leading principles of the Society remained unchanged. One of the first alterations requires special notice. It was in the system of electing the Military Members of the Management. In the hope of creating a wider and more general interest in the working of the Society, it was resolved, on the recommendation of the Army, that, instead of two Members being

chosen by each of the three Brigades, the following six stations should each appoint one representative Manager,—the Presidency and Barrackpore, Futtighur, Cawnpore, Chunar, Dinapore, and Berhampore; this arrangement, every way better and more acceptable, was introduced in May, 1787.

Apropos of Station Committees let us remark that it is amusing to see how soon they began to verify the fears, which were put forth in the form of anticipated objections, about their interference with the General Management. It occurred thus. The duties of Mr. Ackland, the Secretary, had greatly increased, taking up his whole time, and rendering it impossible for him to add to his income by other work in leisure hours; he had no leisure hours. So the Management had only done justice in increasing his salary by giving him an extra Rs. 100, under the head of house-rent. Then, money had been expended by the Fund at Ducansore;* and a large sum of Rs. 25,000, invested in the house at Howrah. All these acts furnished grounds of complaint, and brought strong remonstrances from several of the Station Committees. They claimed that they at least, if not the whole Army, should be consulted in every such proposed item of expenditure. To this the Managers replied firmly that if they were not to be trusted they must withdraw. Their ready devotion of time and labour were ample guarantee of the deep interest they felt in the prosperity of the Society; their local knowledge qualified them to judge on such points far better than distant Station Committees; and moreover the delay in obtaining the opinion of officers so widely dispersed, would render action impossible:—a recent case was quoted; some question had arisen about the admission of an orphan; it had been circulated for the opinion of the Army, and eighteen months had elapsed, and yet some of the Station Committees had sent no answers, and the case had been pending all the time! If therefore the Managers were not to feel empowered to act in such special cases, when much depended on promptness of action, they must beg to resign their places at the Board. Any fundamental principle, any alteration of a rule, they would of course submit to the Army, but they must have discretionary power in details. This brought the Station Committees to their senses; and the Army, on appeal to them, by a large majority supported the Managers. The only good which it would seem the Station Committees gained by their attempt at interference, and which on the

* This was subsequently repaid by the Government.

first representation would have been granted, was that each local Secretary received a small sum as office-allowance, besides a small salary for a clerk; and thus peace was restored, and a great principle established.

Much has been said of late about cultivating and colonizing the Soonderbuns. It is often spoken of as a bold and a *new* idea. It is not so new as it may be supposed to be. We find it suggested eighty years ago as a field whereon to utilise the education of our orphan boys, and as a form of dowry for our young ladies! The proposal, then undoubtedly novel, and in the form it then assumed, *very original*, shall be given in the proposer's own words. It emanated from Colonel Thomas Deane Pearse (who had been elected Deputy Governor on the retirement of Mr. Claud Alexander) and bears date, March 8th, 1786.

"The more I reflect on the future state of the orphans under charge of the Society, the more I am distressed on their account. I cannot find employment for them in India, and the Directors have, with good reason I think, forbidden their being sent to England.

"There are very few trades in which the children can earn a decent livelihood in this part of the world, and fewer people to whom they could be entrusted for instruction; The majority of tradesmen in India are so very low, and of such very bad morals,* that it seems little less than certain ruin to the children to put them out apprentices; and the shipping trade is so very dead that it could not take off half the boys.

"But when I consider what is to be done with the girls, I am still more bewildered. In England there are few trades that employ girls, and in India two of each of those trades would overstock the Settlement; and consequently the difficulties increase the more I endeavour to remove them.

"Agriculture alone does promise something; and when I cast my eyes on the Soonderbuns and uncultivated tracts, I wish they were peopled as they were of old.

"If the Company and Directors will agree to it, these useless deserts may afford comforts and employment to all the children when they arrive at man's estate; and in process of time may be peopled by a race of our own.

"I recommend, therefore, requesting the Directors to direct that there be given to every boy, the son of an Officer, when

* Happily 80 years have made a great change for the better in this (if it were true then), as well as in other features of Indian life.

"he attains the age of 18 years, one hundred acres of land,
 "and to every son of a non-commissioned officer, or private, at
 "the same age, fifty; to every girl, the daughter of an officer,
 "fifty acres on her day of marriage, and to every girl, the
 "daughter of a non-commissioned officer or private, twenty-five.

"That the boys be permitted to marry at 18, and the girls
 "at 15.

"That it be recommended to give a married couple the
 "lands contiguous to each other.

"That the lands be free for the first 10 years, paying
 "half quit rent the next 10, and the same as other rice lands
 "afterwards."

The establishment, on which these young agriculturists were to start, was certainly of the simplest and most primitive character. "One bull and bullock to every five acres, and ten cows and two ploughs to every hundred acres; a bungalow of straw and bamboos, containing two rooms and one small kitchen: one iron pot, and a set of earthen kitchen utensils; one bed, four chairs, a table and a decent equipment of table necessaries; also a suit of cloaths and six changes of under-cloaths."

This proposal was generally approved of by the Managers, but it found no favour in the Council Chamber, and so it fell through.

Hitherto the Orphan Society had received no pecuniary aid from the Government, beyond the privilege of transmitting money to England on the somewhat advantageous terms which were granted to their Officers in the Indian Navy. The sum of Rs. 40,000, paid towards the purchase of Levett's house, was the Government share for the accommodation of the orphans of the soldiers; the Lower Orphan School being a Government Institution, of which the Managers had only consented to take charge and superintendence. All the Society's accumulations were vested in the Public Funds, as a mere ordinary commercial transaction. But now an opportunity offered, which the Government were solicited to take advantage of, to give material support to the Society; it was by making the grant, which is technically known as the "Rohilla Donation money."

As probably the real history of this Donation is but little known, a short account of it may not be unwelcome.

In the earlier part of the 18th century, a tribe of Affghans, named Rohillas, had come down wandering through the length of Hindostan, then hardly held together in the enfeebled grasp of the already effete and expiring Moghul Dynasty. They found little difficulty in appropriating any

region they might fancy; the Doab, the fertile tract lying between the Ganges and the Jumna, attracted them, and there they settled down, and made for themselves a home, giving to the tract itself the name by which it is to this day familiarly known, that of Rohilkund. But they had on their south-east a province which, under the protection of English men and English treaties, was a barrier to their further aggressions, and to which they themselves were in return a cause of anxiety and alarm. In 1773, a band of these Rohilla Sirdars designed an attack on the district bordering on Oude. The kingdom of Oude,—for though only a Nawabship, nominally holding under the king of Delhi, it was virtually, under English protection, an independent kingdom—had for its chief the Vizier, (as the Nawab of Oude was called,) Serajah Dowlah, who was regarded by the English as a useful ally. On his application for help against the Rohillas, the Dinapore Brigade was ordered to hold itself in readiness to assist him in the defence of his own kingdom, and in expelling the Rohillas; the terms being that the Nawab should pay 40 lacs of rupees, besides the expense of the Brigade (estimated at $2\frac{1}{2}$ lacs of rupees per month) during their operations in his cause.* The Allahabad portion of the Brigade were called into the field. The Rohillas were defeated; and the Nabob paid over, besides other sums, $10\frac{1}{2}$ lacs of rupees for their services. This money it had been resolved to divide among the troops engaged in the campaign; the bulk of it had been so divided: but about 50,000 remaining; a Committee, consisting of the Accountant General and two Managers of the Society, was appointed in Calcutta, to whom it was publicly notified that all unsatisfied claims should be sent in for examination. But after all such were paid, there still remained some Rs. 23,000 unclaimed, which is described as “the shares of those who had been removed from the service by leave of absence to Europe,† “death, resignation, or otherwise.”

It was suggested by Captain Kirkpatrick while in England, and warmly supported by Warren Hastings, that this sum should be made over to the Orphan Society, and the interest of it applied to general purposes: but some legal objections were raised, one being that, should any future claimant appear, he might claim back interest on his share, on the ground that the Society were receiving interest on the whole sum: at length this

* Auber's India, chap. VII. Vol. I, p. 400.

† This is not altogether intelligible.

and other difficulties were got over by the following arrangement made in 1786:—The amount itself remained in the hands of Government, but a sum not exceeding 8 per cent. on it, *but not called interest*, was to be credited yearly to the Society. Thus under the head of Rohilla Donation money* the Society receives every year Co. Rs. 1,762-12-4.† Such was the cautious arrangement under which alone Government then felt justified in giving material help to the Society.

And now, having followed the Management through the leading events and changes in the general administration of the Society, it is time to see how all this time the orphans of the Upper School had been faring. It soon became evident that the original plan for boarding them out was not working well; month by month the reports of the Managers contained complaints. While the girls under Mrs. Jervis were receiving a fair amount of attention and care, the existing arrangements with Mr Cowen were by common consent far from satisfactory. The boys appeared to be well taught; but the internal economy of the house was pronounced "abominable;" the rooms were dirty, the linen filthy, and the food very bad! Mr Cowen was plainly told that unless a general improvement took place,—unless, in short, these orphans, being sons of officers for whom an ample payment was made, were put on an equal footing as regards care and comforts with his other pupils,—the Managers would be compelled to remove them. Mr. Alexander, who had been specially deputed to inspect the school, gives the worst report of all: but he finds even in that abode of filth one clean spot, and describes it in glowing terms; and in justice to the memory of Mr. Cowen we will give him the benefit of that one redeeming trait in his "model seminary." "On a Saturday afternoon," says Mr. Alexander, "every boy is ordered into the verandah, where "two large earthen jars are placed. They are then stripped, "two and two at a time, are well washed and scrubbed by a "couple of stout slaves with soap and warm water. I found "Mr. Cowen sitting in the verandah overseeing this necessary "cleaning performed, and taking account of every boy as he "came out of the jar, that none might escape." Mr. Alexander urged that this process might with advantage be repeated more, frequently than once a week. But even this did not reconcile the Managers to the existing

* This is sometimes erroneously termed "Rohilla Prize Money."

† The equivalent for Sonat Rs. 1,842-3-6 being at the rate of 8 per cent. on Rs. 23,027-12-0.

arrangements. It was clear that the only way of effectually securing the proper education and feeding of the children, would be by having for the boys, as well as for the girls, a house directly under the control of a resident Superintendent.

This, as we have already seen, combined with the difficulties at Ducansore, had led to the purchase of Levett's property.

The Visitor at Howrah who takes his stand on the bridge which crosses the Railway, and looks to the left on the ground now cut up with side lines and shuntings; or covered with engine-houses, workshops, and godowns, and beyond these on the goodly hospital and various other buildings which lie on the river bank, would find it difficult to realise the fact that all from Howrah Ghat to Tel Khal Ghat was one vast enclosure, and the large four tarreted house immediately before him, now used as the Cutchery, stood in the midst of it, and was the home of the orphans of the Old Bengal Army.

It seemed a well-planned Institution; it had an English clergyman as its Superintendent, with a Head Master and Mistress for the Upper School, also out from England; while the tuition and care of the Lower School was in the hands of highly recommended Army Serjeants and their wives. At first all promised well. But, alas! if the Society's records tell true, but little of the promised good was realised; and a large amount of care and trouble, which was little anticipated, devolved on the Managers. It soon indicated signs of human imperfection. The Serjeants, however highly recommended, would drink; their wives, however respectably reported of, would bring barrack habits and language into the precincts of the Lower Schools. The School Master of the Upper School would find, or make, time for other work which proved more lucrative, or, which, to speak more correctly, furnished a substantial addition to the pay he received for his school duties. But the greatest disappointment, and the most serious difficulty experienced by the Managers, arose from the change which came over the Superintendent. On first entering upon his duties the Rev. David Brown displayed great energy and zeal; he introduced an admirable system for the internal management of the Institution; and devoted himself so heartily to his duties, that the Managers, to show their appreciation of his services, applied to Government to give him a Chaplaincy on the Establishment: thereby raising his salary from this small sum of Rs. 243, to that of Rs. 493-14-8. But the Chaplaincy lost them their Superintendent. Before leaving England Mr. Brown had received marked kindness and help from the already "Venerable Society" for Promoting

Christian Knowledge, in the advantages which accrued to him from being made an Honorary Member: also liberal grants of books for use in India. Now this Society had founded the first mission of the Church of England in Bengal. Mr. Kiernander, the pastor of *Beth Tephillah*, as the Mission Church was called, was their Missionary. He was now broken in health, for he had been labouring here since 1758; and was 75 years of age. Mr. Brown's sympathy was at once appealed to; a sense of obligation to the Society, and of commiseration for the old pastor, induced him to offer occasional help, which only as a Chaplain could he in those days have done. At length, with the consent of the Managers, he was permitted to assist Mr. Kiernander regularly to the extent of one sermon every Sunday, provided it in no way interfered with his direct duties among the orphans. But the connexion became very fascinating. The pulpit of the preacher offered more attractions than the office-table of the Superintendent or the school-desk of the teacher; and so it came, not unnaturally, that the duties of the Orphanage were one after another made to give way to the increasing demands of the Mission Church. A warm correspondence ensued between Mr. Brown and the Managers, which ended in the severment of his connexion with the Orphan Society in the beginning of 1788; and he then became permanently attached to the Old Mission Church, and was the first of that series of Chaplains whose names are still reverently treasured among the traditions of that Church.

His place was filled by Rev. Charles Seccombe, at the time Chaplain at Bechampore, who gave proofs of considerable judgment and zeal in re-organising the somewhat confused state into which the affairs of the Orphanage had fallen. But other and graver difficulties were presenting themselves. The lack of active supervision had engendered neglect in all departments; the condition of the children had been overlooked; the servants of every grade had become careless. Dirt and its concomitant disease, especially cutaneous disease arising from want of cleanliness, had got a footing in the Institution, and needed more radical measures than the introduction of a new Superintendent to restore things to a healthy condition. In fact, like old Rome, it was *sed ruina pregnans*. The number of children had become too great; for the schools were no longer confined to orphans, the children of living officers for whom in remote up-country stations offered no means of education, had come from in considerable numbers.* As, as for the Lower School, it

* Girls were admitted at Rs. 32, and boys at Rs. 30.

was the school for all India. It was virtually compulsory on all parents to send their children, when they reached the age of four years, to the Orphanage, for if not sent they would forfeit the Government allowance. So that at the time we are speaking of, (1790,) the house contained, of the Upper School, 57 boys, and 40 girls, and the Lower School, 179 boys, and 116 girls. Let any one now explore the Howrah Cutchery and think of it as a home for some 400 children, besides masters, mistresses, sergeants, matrons, &c., &c., and he will hardly wonder that week after week the visiting Managers complained of the condition of the children, the very irritable skin-disease, already alluded to, had become epidemic, as well as inflammation of the eyes, also attributed mainly to want of cleanliness, and in many cases proving fatal to the sight. Nor will he wonder that "a Committee of the Faculty" should report "that nothing would relieve the miserable objects "which now crowded the Hospital and the house but more "room and freer circulation of air."

It seemed as if at length matters had reached that point, *the worst*, from which any change must of necessity be for the better. One thing was clear, some alteration must take place. It was useless to enforce weekly reports from the the visiting Managers to require Superintendent and Surgeon to be in attendance to accompany the Manager on his visit over the house. Some far more radical change was needed. No half measure would be of any avail. Either the house itself must be greatly enlarged, and an independent building erected for a hospital, at an estimated cost of at least Rs. 35,000, or else the two schools must be separated.

It is more than possible, judging from the tenor of the Minutes of that period, that the former course would have been adopted, had not other motives been also brought to bear on the decision of the Managers.

Of those other motives we would not speak with undue severity, yet speak of them we must, if in our interest in this noble Institution we would make the history of the past serve at all as a beacon light for the future; though we feel it is only due to the Society, as it appears in 1866, to express a thankful conviction, that a very different course has of late years been adopted by the Managers, and a corresponding improved tone of mind and life has, under the influence of English gentlewomen at its head, been imparted into the Upper School.

The Upper School, be it remembered, is the only material evidence of the working of this Society. It is to the mass of English residents the embodiment, the impersonation,

of the Society ; whereas it only forms, as will have been already seen, one portion of the Society's wide and varied operations. If this school did fail, as we acknowledge we feel it did fail, to realise all that a retrospect of its career naturally leads one to believe it was capable of effecting the cause of that failure may be traced very far back ; the wrong bias was given at a very early period of its existence. We detect it at the outset, in the code of rules, by which on its first establishment at Howrah it was to be governed. The end set before Superintendent, Masters, and Mistresses was not only "to form the ideas of the children, "and to improve their minds," but while "rendering the "boys agreeable in their manners and sociable in their habits "and disposition "to "render the girls agreeable and engaging "in their deportment, that they might make eligible marriages "in the Settlement"

In the very distribution of prizes we see the same spirit bursting forth. While the boys are rewarded with books, such as Thomson's Poems, Addison's Works, the Rambler, &c., the proficiency of the girls in their more refined accomplishments is characteristically rewarded ; the best reader receives, not a book but a pair of ear-rings, the best worker, not a work-box, but another pair ; of ear-rings the best writer a breast pin ; a suit of ribbands is the prize for the best repeating, and a sash for the best spelling ! Vanity as the handmaid to matrimony.

That the Howrah arrangements failed in marrying off the young ladies, more than ophthalmia, or that other disease not to be named to ears polite, was the real cause which brought them over from that side of the water. The lever was applied by no other than Major Krikpatrick himself ; and every member of the Management lent a ready hand to move the Upper School into a locality more productive of likely and eligible husbands.

"There is every prospect," (wrote Major Krikpatrick more pointedly than politely) "that the unmarried girls would "become a burthen to the Funds, and the Orphan House an Hospital for old women as well as an Asylum for infants." There was staring the Managers in the face the astounding fact (recorded by another of the Managers) that several of the young ladies had already attained the ripe age "of 13 years, "and yet had received no proposals of marriage which the Managers could approve of ! " It had been decided that dancing should form an important part of their education, as though dancing were the great qualification for matrimony ; a dancing Master was engaged at Rs. 60 a month, to preside over

this "School for Wives;" balls were given frequently to promote the desired result; and yet, despite expense and trouble, the number of young ladies was increasing rather than diminishing! So the Upper School was to be brought over to the Calcutta side; and so urgent seemed the case, from the combined causes of sickness and celibacy, that when the noble house, formerly occupied by Mr. Barlow, at Kidderpore, was offered at a rental of Rs. 450 a month, the meeting, held on Tuesday the 1st of June, 1790, which decided on renting it, resolved that all the Upper School children were to be brought in on the following Monday! And on the Monday they came.

Now if there was not political wisdom (as the Court of Directors declared there was not) in the original design of sending all the orphans of officers to England to be educated, there was at least much kindly feeling and good sense. But if only, when the restriction was enforced, and it became necessary to form a Home in India, the same kindly feeling and good sense had influenced the counsels of the managers to make that Home a profitable one,—if, instead of being taught to regard matrimony as the one great object of education, the aim and end of existence, the young ladies of 70 years ago, and for years and years after, had been taught that there were many spheres of duty, of usefulness, which an unmarried lady may fill and adorn,—then had India seen in her schools and quiet English homes good proof of the wisdom which presided over the Orphanage of the Army.

And now, as the doors of Kidderpore House open to receive the orphans, let us take a passing glance at the establishment which enters. The Superintendent has disappeared. With the separation of the two schools his services were considered no longer necessary. There are a School-Master, and School-Mistress, each having one Assistant, a Secretary, and a Surgeon; (and a Home Agent.)* It may not prove uninteresting to the wards of 1866 to know what was the prescribed dress of the wards of 1790. It is midsummer. The boys appear in a white nankeen jacket, and drawers of white strong

* The monthly cost of the establishment was as follows:—

School-master	Rs. 213	Secretary	Rs. 200
Assistant master	150	Do. House Rent	100
School mistress	200	Office Establt.	80
Assistant mistress	80	Surgeon (supplying medicine)	100
House servants	57-8	Home Agent, £ 100 a year	

The boys were dieted by the master; the 11 elder at Rs. 11; and the rest at Rs. 8 a head. The girls, by the mistress, 13 elder at Rs. 12; and the rest at Rs. 7.

The average monthly cost of each child was 25-8.

thick dussotee; and the girls in a long shift of thin tossah, with a frock of strong course *charkonnah*. As the cold weather comes on, the boys will change the thin nankeen jackets for a coat and waistcoat of scarlet cloth with blue cuffs, and for dussotee drawers "close trowsers of nankeen," while the girls will make no outward change, only adding for warmth's sake a petticoat of Patna chintz.

And as the doors close on them, and they distribute themselves over the noble range of building, this paper may fitly close too. We have only as yet gone over 8 years of the history of the Fund, but the 76 years which remain will scarcely occupy more space; yet they will, we hope contain statements even more important; they will tell of the fuller development of a grand design, of a Fund by year y year becoming financially more sound, until, from being purely an Army institution, it became, under the requirements of Imperial policy, absorbed into the general administration of the country.

ART. VI.—*Unpublished Journal of Captain Musafir.*

IT is a popular opinion that the retired Anglo-Indian is the most miserable of human beings. Burying himself in Bayswater,—rightly on that account dignified with the nick name of Asia-Minor,—the old Indian is popularly supposed to reserve to himself the right of grumbling at a society in which he does not mingle, and of railing at people to whose customs he is too indianized to conform. We do not say that this impression is correct, but we do affirm that it is very generally entertained by the English, pure and simple. These have come to regard the great bulk of Anglo-Indians as a race entirely apart, separated from themselves by peculiar ideas upon most subjects, by an incapacity to converse upon other than matters pertaining to India, by a pertinacious exaltation of the customs of Anglo-Indians in India, as compared with those of the English in England. Admitting these impressions to be true as regards the majority of retired Anglo-Indians,—of the men who spent thirty years in India without once, in the interval, revisiting their native land,—we believe it will be generally conceded that the nearer and more frequent communication with England, which has been gradually progressing since the establishment of the Overland route, together with reforms consequent on the mutiny, is bringing about great, and will yet bring about greater, changes in this respect. These changes are already indicated by the improvement that has already taken place in the choice of subjects of conversation in Indian society, in India itself. Thirty years ago the man that would have made any allusion to English politics at an Indian dinner party, would have at once been set down as a prig or a bore. He would have alluded to subjects which to the remainder of the company present would have been the veriest Hebrew, with which scarcely one man in a hundred ever troubled himself. The truth of this statement has lately received the fullest confirmation in Miss Eden's amusing account of her travels with

Lord Auckland up the country. We there see in what a light a clever, well-educated, well-informed English lady regarded the society amongst whose members her lot had been temporarily cast. "Their men," she says, "can talk only about Vizier Ali, and their ladies about nothing at all." We can quite believe that this criticism was perfectly applicable in those days. We can thoroughly understand how Miss Eden, who had mixed with the best society in England, who had been associated with the leaders of English parties, and who had taken a more than ordinary interest in English politics, should have found herself vexed, and bored, and fatigued to a degree at being forced to associate with a society, to the members of which English politics were a sealed book, and the history of English parties absolute Chaldee; who had with her not one subject in common, whose ideas were limited to the promotion of their husbands, and to their own precedence at Government House. It may indeed be remarked that Miss Eden's memoirs relate to a period too remote to be quoted as in any way illustrating the present epoch. We perfectly coincide with this objection, but we cannot help observing at the same time that the late Albert Smith, himself no ordinary observer of human nature, at a much more recent period made a remark not very dissimilar. It was the fortune of that popular author to proceed to England from Galle in one of the Overland steamers crammed full of Anglo-Indians. With respect to the ladies, Albert Smith remarked that they appeared to be so entirely engrossed with a struggle for their own precedence at the cuddy-table, that they seemed absolutely unable to talk of anything else. With regard to the men, he observed, that judging from their conversation during a voyage of sixteen days, he had come to the conclusion that in their opinion India was the vastest, the grandest, the most important empire in the globe; that upon the sayings and doings, upon the promotions and appointments, of every man in that Indian Empire, the eyes of the entire civilized world were fixed with the most intense longing; that they regarded England as a distant island, entirely dependent upon India, and the only use of which was to supply Anglo-Indians with beer and cheroots. It is difficult to believe that this is not an overdrawn picture, but that it was sketched by a man possessing peculiarly observant powers, who had no interest in vilifying Anglo-Indians, or in exposing them to ridicule and contempt, is a clear proof that it had some foundation.

It would be in the highest degree unfair however to take this, in even a modified form, as at all an accurate description of Indian society twelve years ago. On boardship many people are peevish, uncertain, and selfish; they display the worst side of their characters. Steamers from India too carry a particularly large proportion of invalids, and it can scarcely be wondered at, if deprived of their accustomed luxuries, shut up in small boxes dignified by the name of cabins, crowded together to a most inconvenient degree, these people vent on one another the accumulated bile of many years' Indian existence, and appear to a stranger on board infinitely more disagreeable than they would be, if met under their own punkahs or by their own firesides.

If then we may consider Albert Smith's description as overdrawn, applied to the Anglo-Indians of twelve years since, we do not hesitate to assert that we regard it as totally inapplicable to the Anglo-Indians of the present day. Since that period the moral atmosphere of India has been cleared by the thunder-storm of the mutiny, and the old ideas, which produced the conduct so strongly condemned by Albert Smith, have been replaced by others, fresher, more sensible, more consonant to the spirit of the age. Were Miss Eden to re-appear on the Indian stage, we are confident that she would not now complain that the men could only talk of Vizier Ali, and the ladies of nothing at all. English politics are not unfrequently discussed in Anglo-Indian society. The characters of the public men of Europe are fairly known, and are freely commented upon. Events of European interest are looked forward to often with an eagerness which may be pronounced intense. There is, within our own experience, infinitely less longing for social precedence than existed before the mutiny. England is no longer regarded as a dependency on India, to provide it with beer and cheroots, but it is looked upon as the land of promise,—the country a return to which before a man's energies are entirely exhausted by this exhausting country, is the temporal aim and object of the life of almost every man. This feeling is re-acting and will re-act still more upon the retired Anglo-Indians at home. We mean that the men who now retire will be different in many respects from their predecessors. It will be their pride to be Englishmen, instead of merely members of a distant colony in the Asia-Minor of Bayswater. They will cease to pronounce the customs of the English inhospitable, and their manners cold and distant. Their frequent visits to England, during their period of service, will have taught them that in a country

in which it is possible for a pickpocket to wear as good a coat as a peer, it is absolutely necessary that a man should have a special introduction to an English gentleman, before this last will associate with him on terms of equality and confidence; that it is not sufficient, as some old Indians of the present day imagine, that a man should have been Commissioner, or a Colonel, or a Sudder Judge, in order to be accepted as such by Englishmen, receiving the same respect and adulation from the masses as would be readily accorded to the holders of the same positions in India. They will find out before very many months, that in England a man is received and treated, not with reference to the appointments he has held in this country, but simply and solely according to the manner in which he conducts himself at home. A man who is clever, well-informed, *au courant* with all the events of the day, will find himself a welcome guest in any society. In such a case, the Anglo-Indian will find that the fact of having spent many years of his life in this country operates often as a point in his favour. It is only when Anglo-Indians are pompous, opiniative, hankering after positions which they cannot attain, intolerant of others, and openly expressing a longing for the fleshpots they have left,—and this is now the character they have earned in England,—that they find their service in India acts in the minds of ordinary men to their prejudice.

But that the younger members of the Anglo-Indian community will fall into the errors, in this respect, of their predecessors, we consider more than improbable. Every day shows us how all the un-English habits of the Anglo-Indian are one after another being cast aside; how the rage for precedence has disappeared; how the assumption of airs and graces by an individual, who may happen to possess some high office in the State has come to be regarded, even by the services, as eminently ridiculous; how the toleration of the opinion of others is, save by a remnant of the old leaven, looked upon as a matter of course. In fact, we may sum up our review of the progress of Anglo-Indian society since the mutiny by this simple remark, that it has been a gradual and increasing progress toward the state of society in England.

Nothing has tended more to bring about this improved order of things, than the increased facility of communication with Europe, and the opening out of new routes to the traveller. Of these in the present day there is an almost unlimited choice. From Alexandria steamers leave, in connexion with the Indian steamers, for all parts of the world.

There is the time-honoured route to England by Southampton,—the best probably for invalids,—and the almost equally well-worn course by Marseilles. Of the older routes too Trieste puts in a well-considered claim for patronage. Amongst those more recently opened out too are Ancona and Brindisi. The latter bids fair to usurp the place of Marseilles, so far as relates to the carriage of the mails. But the lover of the picturesque will never choose wittingly the route by Brindisi. The long dreary railway journey from that place to Ancona presents nothing to please or delight the eye. Far preferable, and scarcely longer, would be the route from Malta to Naples, thence by Rome, Florence, and Milan, to the Italian lakes. From Milan there is a profuse choice of routes homewards, in the selection of which the traveller will follow his own tastes. Our own predilection we decline even distantly to hint at. We are free however to admit that the perusal of the unpublished journal which stands at the head of this article, has convinced us that an Indian traveller may experience intense delight and enjoyment, when pursuing, with a light heart and tastes not too vitiated by long years of sojourn in India, a route so well known and so well worn as is that of Trieste.

Captain Musafir would appear to be an officer of the Bombay army, who left India with his wife some four or five years ago on twenty months' sick leave to Europe. What has since become of him we are unable to state, nor indeed is it necessary to our story. His journal was handed over to us with the most satisfactory proofs as to its authenticity. Of this indeed it bears undoubted internal evidence, and it is this alone which makes it valuable. We gather from a few prefatory remarks affixed to it that Musafir was a fair German scholar, a great lover of the picturesque, an adventurous traveller, and an ardent devotee of "the gentle art." His predilection indeed for this harmless sport appears to have been confirmed and strengthened by the notorious fact that the trout and grayling always choose their habitation in those rivers which meander through the loveliest valleys, and which are fed by streamlets from the grandest and most magnificent mountains. His taste for the picturesque and his love of travelling would seem to have been shared by his wife, for it is evident from the journal that she accompanied him everywhere, and found that the glorious scenery to which she was transported far more than compensated for the rough accommodation, by submitting to which, a view of such scenery was alone attainable.

We gather from the journal that after the ordinary incidents of an overland voyage, our two travellers arrived at Trieste at 11 o'clock on the 15th May.* They put up at the Hotel de la Ville, which they describe as being one of the best and most luxurious hotels on the Continent, being furnished with hot and cold baths, and every possible convenience. It is, however, dear in comparison with hotels in other parts of the continent. This arises from the fact that Trieste itself is a very expensive city. Attached to the Austrian Empire, it is yet a free port, and in possession of this privilege it has attained to a degree of prosperity which fairly takes the traveller by surprise. The shops are numerous and well stocked; the equipages well built and remarkably well horsed; the ladies elegantly and handsomely dressed. The promenades are crowded, whilst the poorest people seem to wear a happy and contented air, and to be full of employment. There are two opera houses besides other places of amusement. The houses are well built and comfortable, with handsome exteriors. There is an abundance of pretty villas along the shores of the Adriatic and on the hills behind the town. In fact, in whatever direction the traveller may turn, he meets striking evidences of a prosperous, well-ordered, and contented community.

Our travellers felt much struck with the appearance of the town and its inhabitants. Musafir records, how even at the hotel door he and his wife were met by flowergirls carrying with them the loveliest flowers, which, either singly or made up into bouquets, they almost force upon the traveller. Few of these are ever churlish enough to refuse the proffered gift, or to return it by a present of some small coins. But should they refuse, they are deprived of the extreme pleasure of hearing, probably for the first time in their lives, in the melodious tones and soft accents of Italy, and delivered as if coming from the heart, the sweet sounding *Grazie*. Of the houses and villas along the shores of the Adriatic to which we have alluded, certainly the most striking is the palace of Miramare, lately the residence of the Archduke Maximilian, brother of the Emperor of Austria, and now himself Emperor of Mexico. A good view of this palace can be obtained from Trieste itself, for it stands on a tongue of land jutting out into the Adriatic; thus seeming, from a short distance, to be as it were detached from the main land. It is the point which

* The date of the year is not given in any part of the journal, but from the state of completion of the railways, it could not have been more than five or six years ago, possibly less.

first strikes every traveller after his arrival. Musafir and his wife were not content with a distant view of it, but drove out with some friends to inspect it. It is distant from Trieste about five miles, and the road to it borders the Adriatic on the one side, whilst a range of high hills on the other, clad with rich verdure, presents a striking contrast to the deep blue of the sea. The palace itself is built in the real Gothic style, and is most beautiful. Only a portion of the interior was visible, as the Archduke and Archduchess were residing there at the time, but that portion showed how completely comfort had been united with elegance in the construction. The gardens attached to it have been beautifully laid out. The ground from the castle ascends, and of this ascent every possible advantage has been taken. There are natural grottos cut out of the rock, harbours ingeniously formed so as to command the loveliest view and to be impervious to the brightest Sun. The flowers are lovely, the beds arranged with great taste and kept in the most perfect order. The whole garden in fact presented the appearance of a fairy land, culminating in the enchanted castle on the sea. The Archduke and Archduchess generally stroll about the grounds in the afternoon, mingling freely with the people to whom they courteously allow admittance. On the evening, however, our travellers visited it, they did not appear.

To obtain entrance into the grounds it was simply necessary for Musafir to present his card. The tall soldierly lodge-keeper who demanded it, had all the appearance of a man who had seen military service, and Musafir could not help putting the question to him when the party went out. He replied, records Musafir, in the following words: "Yes, I have served, but it was in Hungary and against Austria." He added in a proud melancholy tone, "I am a Hungarian." It appeared from further questioning that he had served under Bem, and had fought as long as any hope remained for Hungary; that after Russian soldiers had trampled out the last spark of the fight for freedom, he had taken a civil post. With the Archduke he had been for the past six years. His connexion with the Imperial House had not however changed his sympathies at all, for when Musafir enquired from him whether he did not think that an union between the two countries with one parliament for both, would not satisfy all legitimate aspirations, he replied in a tone, the mournfulness of which, writes Musafir, it would be impossible to describe, "it would be beneficial for Austria but not for Hungary." It was curious to hear this expression

of genuine patriotism, uttered in despotic Austria, and at the gates of the palace of an Austrian Archduke!

We have alluded to the hills behind Trieste. These are extremely pretty and abound in drives presenting glorious views of the Adriatic. On the day following their visit to Miramare our travellers drove to a village called Sessana, on the line of the Vienna railway. Sessana is nothing in itself, but the drive to it is most lovely. The road winds up a gradual ascent of 1,800 feet, and commands during its course, after the first half hour, a splendid view of Trieste, the Adriatic, and of the picturesque town of Pirano on the Illyrian coast. In a very clear day, free from haze, Venice itself may be seen. At Sessana, our travellers met an Austrian officer, a native of the province of Moravia, who had served in the Italian campaign of 1859, regarding which he conversed freely. He did ample justice to the French soldiers and their emperor. Of the latter indeed he said that if he had been at the head of the Austrian army and if Guilay had commanded the French, he was confident victory would have been with the Austrians. Their defeat at Magenta he attributed to the utter incompetence of Guilay, and their ill-success in the campaign to the treachery and disaffection of the Hungarian and Italian Regiments. He appeared most anxious for a fresh trial. "Let the Emperor," he said, "send to Italy only Moravians, Bohemians, Croats and Austrians, and let him place Benedek at their head, and I'll answer for it, we'll win back Italy." It appears from various entries in the journal that this feeling was shared by almost all the Austrian officers and privates our travellers met with.

On their return to Trieste the travellers followed another and more circuitous road, in order to visit the Imperial breeding stud at Lipizza,—a place famous for its grass lands. The sight here was well worth seeing. At Lipizza there are horses of all nations, amongst them many English thorough-breds. But those that most attracted notice were the Arabs,—far more perfect in shape than any Musafir had seen in India. Many of them must have been of the purest Arabian blood, so absolutely faultless was their conformation. The care bestowed on these horses as well as on the mares and foals cannot be exceeded. It is a pretty sight to see these loose in their large, well-built houses, all herded together, living in the most perfect amity. They are treated with affection and gentleness by their attendants. No other mode of treatment indeed could have produced the sweet temper

and docility displayed by all the animals in this vast establishment.

It is impossible to leave Trieste without alluding to the custom there prevailing, so admirably adapted to a warm climate, of taking enjoyment in the open air. No sooner does the afternoon sun show an inclination to hide his glories behind the not too distant hills, than in front of every *café* numberless chairs and small tables are placed. To these, after the promenade, all Trieste repairs. A band as if by magic appears, and under the vaulted canopy of heaven, the tideless Adriatic at their feet, the honest burghers sip their coffee, enjoy their ices, and listen to the soft music. Occasionally the scene is enlivened by songs from strolling performers. There is no excess, no drunkenness, no uproar. All is conducted with the decorum which rules over the arrangements of a private concert in England. Yet in Trieste this takes place daily, and the sole payment received by the musicians and singers depends on the charity of the listeners. Such a scene would always strike Englishmen, but upon Musafir and his wife, coming as they did from a country hotter than Trieste, but into which the conquering race has introduced the social manners and customs of a northern climate,—the heavy dinners, the formal visits, the tedious drives,—the impression appears to have been most vivid and pleasing.

On the 18th May our travellers left Trieste by railway for Adelsberg, famous for its caves. The line of rail lay among the hills, and the many bends it made, and their sharpness,—sometimes almost at right angles,—appeared to have completely astonished the two Anglo-Indians. The journey itself takes little more than an hour. Adelsberg lies about 1,800 feet above Trieste, and is proportionately cooler. It is in itself but a small village, deriving all its importance from the wonderful caves in its vicinity. To inspect these was the object not only of Musafir and his wife, but of all the travellers who stop at Adelsberg. In order to see the caves in perfection, it is necessary that they should be thoroughly well lighted up with torches and candles. Our travellers were fortunate enough on their arrival to find that orders for an extraordinary illumination had been issued by some American gentlemen who were staying at the inn, and who permitted them to join their party. Snatching a hasty meal, the whole party left the inn about 11, and arrived at the entrance to the caves a quarter of an hour later. They did not emerge from the other end till 3 o'clock. To describe accurately what they saw in that interval would

require a paper by itself. Transported suddenly from the fresh, balmy, sunny air of the outside world into the very heart of the earth,—a gloomy cavern with no light save that afforded by the torches of the guides,—the travellers found themselves entering, now vast halls vaulted with rocks and supported seemingly by pillars of alabaster,—now narrow passages the flinty sides of which sparkled like diamonds. Again, they entered the nave of a glorious cathedral, at the other end of which, in the place where the altar should be, was a visible representation of the crucifixion, not carved, but formed naturally by the rock. The grandeur and dread peculiarity of the sight impressed itself on all the members of the party. They could scarcely resist the conviction that they were in another world. Sometimes depressing them by its gloominess at others exalting them into enthusiasm by the glorious shapes formed by the alabaster-like stalactites, the effect was to make them utterly forgetful of the sun and the trees, the light and the air, the green meads and the running streams they had left outside, and to induce the idea that they were really passing through the valley of the shadow of death, to the vale that led down to the Styx. The apparition of Charon and his boat would not, in those moments, have surprised any of the party. As if to complete the illusion, there was, below them, a river dark as Erebus, flowing onwards through the depths of the earth, and seeming to indicate that there was a point yet to be reached, at which its stream would widen, and interpose a barrier between the visitors and the world beyond. Until the travellers approached the very last of the caves the spell was complete, nor did it leave them till, at a sudden turn, a flood of light reminded them that—

“The Earth hath wonders, as the water hath,
“And these are of them.”

Leaving Adelsberg the following morning about 9 o'clock, our travellers left for Gratz, the capital of Styria, and arrived there about $\frac{1}{2}$ past 4 the same afternoon. The train carried them through a lovely country. Between Steinbrück and Gratz the alternations of hill and dale were charming. The river Save, between Laibach and Steinbrück, had all the appearance of a good trout river, but they did not stop to try it. Probably, in common with all the rivers on the line of railway in Austria, it is strictly preserved, the trout being periodically caught and sent up alive in wooden barrels filled with water to Vienna and other large towns, bought up

there by the innkeepers, and preserved by them in reservoirs for their customers.

At Gratz our travellers put up at the Archduke John hotel, kept by a most obliging landlord, but one who knows how to charge those travellers who are unacquainted with the German language. To this subject reference will be made further on. Gratz itself is a charming town, very clean, and containing much that is interesting to the traveller. The walks in and about it are most enticing. Right in the centre of the town rises the Schlossberg, on the summit of which there was once a fort. It now, however, constitutes one of the promenades of the place, and is in every respect well worthy of a visit. The views which it commands of many miles of lovely country in Styria,—the most beautiful province of the Empire,—make the traveller long to set off at once to examine for himself. Indeed, if a tour off the line of rail be the object of the traveller, there are few places better fitted to make a start from than Gratz. Everything is available there,—horses, mules, carriages, guides, as well as the most exquisite in the way of clothing for the pedestrian or the ordinary traveller. It is besides comparatively a very cheap place. The landlord of the Archduke John assured our travellers that for £100 a year a man and his wife could live very comfortably, and for double that sum like princes. It is this cheapness that has caused Gratz to be selected by most of the retired officers of the Austrian army as their place of residence. Many of these men have but £60 a year. Gratz moreover has many other advantages. It has an excellent and very cheap club frequented chiefly by military men; capital public reading-rooms; it is very healthy and has very good theatres. The military bands play out constantly. It forms moreover the southern gate, as Linz is the northern, into the very loveliest part of Austria,—a country which, it is to be hoped, may long remain closed to the mere tourist, open only to the adventurous lover of the picturesque.

The town itself is divided into two parts by the river Mür, very rapid in its course, with turbid discoloured waters. It supplies the town with coarse fish in abundance, and in the winter with the huchen, (*salmo lucio*), the German salmon. In the neighbourhood, the sights usually visited by those whose stay there is limited are Maria Trost, Maria Grün, and the Hilmer Teich. The first of these is a church and monastery, beautifully situated on the summit of a hill, some five miles from Gratz. The church is picturesque from a distance, but contains nothing within it worthy of much

notice. The view however from it is glorious. On the one side Gratz itself looking extremely pretty, embosomed in the green hills and cut in twain by the rapid Mûr, on the other the splendid range of the Styrian Alps, height piled on height, tempting sorely tempting to the pedestrian. The walk from Maria Trost to Maria Grün is very lovely, leading the pedestrian, as the name signifies, to the most beautiful foliage. On the grassy beds wild flowers in great and beautiful variety are abundant. At the place itself is a small chapel of no great significance, but the walks all about it are most enticing. The Hilmer Teich is a large pond or lake full of tame carp, very prettily situated in grounds on a hill which slopes upwards from the pond. Both pond and grounds are kept most carefully. This is the great afternoon resort of the beauty and fashion of Gratz. Here, while a splendid band does justice even to the genius of the great German composers, they sip their coffee, row on the lake, or stroll about the pretty grounds. As the ladies of Gratz dress well and with great taste, the sight to a stranger cannot fail to be attractive.*

The Musafirs left Gratz unwillingly on the morning of the 23rd May. The bowing landlord of the Archduke John presented them with a bill which though not moderate, could scarcely be called excessive; yet their respect for him on that account diminished considerably when they learned that he had charged three English ladies, who had stayed at his hotel only half the time, nearly double the sum. The reason, they ascertained, was, that these ladies were ignorant of German. Their further experience in Austria proved to them that a knowledge of the German language, by at least one of the party, was essential to economical travelling, and even very often to comfort. Such knowledge implies the knowledge likewise of the customs of the country, and the landlords, anxious as they are to take every advantage of English travellers, are afraid to impose upon them too much under such circumstances. In their after journey, the Musafirs heard repeatedly of English travellers who, had paid double and treble the price charged to them for the very same accommodation and for similar meals.

* The people of Gratz are very agreeable to strangers. Towards their own Government they assume a free and independent bearing, quite new to the traveller who has heard of nothing but despotism in connexion with Austria. Here assembles the provincial diet of Styria, the resolutions of which are not always pleasing to the Austrian Emperor. Though almost all the inhabitants are Catholic, all religions are tolerated, and there is a Protestant Church in the town.

The rail from Gratz to Brück follows the course of the troubled and turbid Mür. At Brück however another river, the Mürz, joined in, of a very different character. As far as Mürz-zu-schlag, this clear, bright river gladdened the eyes of the travellers, running through a smiling country, inviting a further inspection and a lengthened visit. At Mürz-zu-schlag they commenced the ascent of the Semmering, the road across which was then regarded as one of the greatest engineering triumphs ever accomplished. The scenery over this pass is extremely grand.

About 4 o'clock that same afternoon, our travellers reached Vienna, and put up at the Kaiserinn Elisabeth, a clean and comfortable hotel. Vienna is too well known, and has been too often described to need any reference to it in this sketch. It will suffice to remark that the Musafirs appear to have been less struck with the city than they expected, but to have been remarkably impressed with the light, gay, and jovial character of the people, and with the extreme politeness of the officials. It happened to fall to the lot of Musafir to call on the Minister of Police to request a slight favour. This gentleman not only readily granted it, but when Musafir left the room, he, a Baron of the Empire, insisted on rising and conducting him to the door. Nothing, in fact, could exceed the civility they met with from the officers of the Government on all occasions but one.

It being the object of the Musafirs to make a lengthened tour in that lovely part of the country, known as the Salzkammergut, and in the Austrian and Bavarian Alps, it formed no part of their plan to remain long in any city, however attractive, and they accordingly left Vienna on the afternoon of the fourth day after their arrival, and proceeded by train to Linz,—a town before alluded to as the northern gate of the lovely mountainous regions of Austria. There is an alternate route to that by rail, namely the steam-trip of the Danube, and that many travellers would doubtless prefer. From Vienna to Linz, however, by the Danube route, involves the necessity of sleeping one night on board a steamer. The finest part of the river, moreover, is between Linz and Passau, a river-trip of but nine hours, and our travellers resolved therefore upon proceeding to Linz by rail, thence inspecting the Danube by a trip from that place to Passau, then returning to Linz, and from it to enter the much celebrated Salzkammergut.

Linz, which they reached by rail that same evening, is charmingly situated on the Danube. To the north and east

of it, picturesque hills rise moderately to add to its beauty, whilst, stretching out south and west, may be seen the hills and mountains of the Salzkammergut, and beyond them the giant ranges of the Noric Alps, magnificent with their snow-capped heights. The view from the smaller hills first alluded to is extremely beautiful, and though not perhaps so soft and regular as that from the Schlossberg or Maria Trost at Gratz, yet the superiority of the mighty Danube to the turbid Mür gave this in the eyes of Musafir a greater charm. The sight alone of this splendid river, separating into several channels, then moving grandly and imposingly along, at once attracts the attention and invites admiration. Then again at right angles to it, about a mile below the town of Linz, may be seen running into it, a little river, tumbling among rocks, rapid in its course, bright green in its colour,—a river which from its appearance thrills the heart of the fisherman. This river is the famous Traun, the artery of the Salzkammergut, the guide to the finest scenery, in many respects, in the world. Hail to thee, thou shining stream; all hail to further acquaintance with thy bright waters!

Linz itself is a clean town,—but in the extent of its resources it cannot be compared to Gratz. The shops are inferior, it is less populated, and the better class are evidently poorer. The fact is that the Linzers have had to strive against a great many difficulties. They have had to pay for the construction of a series of round underground forts, built on a system invented by the late Archduke Maximilian of Este,—and which, comparing land with sea fortifications, may be said to approach more nearly to the turret-system than any other. These forts are in fact underground turrets, presenting nothing for an enemy to fire at, and yet capable of pouring forth a continuous and destructive fire on an advancing enemy. They have hitherto been untried in actual warfare, but there is little doubt but that they would be useful, if they enclosed sufficient space to accommodate within the circle they embraced, a large army, which would then occupy as it were an entrenched camp. But, in the case of the fortifications at Linz, this result is not obtained. There is not space enough within the circle comprehended by Maximilian's forts to contain a large army; whilst the small one which that circle could contain might be easily held in check by a small hostile army, leaving the main body of the enemy to march on Vienna. All this is recognised by the unfortunate Linzers, who have the poor consolation of feeling that they have been taxed heavily for fortifications which are practically useless, and that they have

still to pay five per cent. on the unliquidated portion of the debt due on account of them. Whilst the Musafirs were at Linz intelligence arrived of the demise of the inventive Archduke. It is almost impossible to describe the feeling of intense relief produced by this news, inasmuch as, just before his death, Maximilian believed he had invented a new and improved system, and he had proposed to bring this into operation at the expense of the burghers of Linz. His death, therefore, was hailed as an exemption from further taxation.

It is the fashion to look upon the Austrians as a race sunk in the deepest depths of moral and political degradation, but travellers like Musafir and his wife will probably draw a very different conclusion. In the first place, absolute poverty appeared unknown. The men, who earned their bread by the sweat of their brows, occupied cottages which were decent-looking outside and comfortable within. It is, besides a noteworthy fact, that of these pretty-looking cottages there was not one the windows which was not filled with flowers,—a circumstance insignificant perhaps in itself, but which appears to indicate contentment and refined taste on the part of the poorer population.

Sunday at Linz is a very gay day. Between 8 and 9 o'clock in the morning the petty shopkeepers and peasants, decked out in their best, with their mass-books under their arms, may be seen wending their way from the other side of the Danube, across the bridge, to the church, the tolling of whose bells reminded all of the day of rest from toil. Two hours later all Linz was promenading in the pretty avenue near the theatre. In such a lovely climate, with the bright hot days, natural to the country, everything seemed to invite to a walk in the open air. There was no artificial gloom, no constraint, no ginshop quarrels, no enforced penalty for being happy. The people went quietly and decorously to worship God in the morning, and enjoyed afterwards the blessings of His Providence in the glorious sunshine. The shops were all shut, with the exception of those for the sale of provisions. Those who have witnessed the hot dinners served out to the poor in England on Sunday, need not impute this as a crime to the honest Linzers. There is a Protestant church, the service at which our travellers attended, but the account they give of it is by no means favourable.

One of the prettiest views obtainable at Linz is that from the top of the hill called the Pöstlingberg, commanding a splendid view of the surrounding country. The many channels

of the Danube and, the windings of the bright green Traun, in the foreground; with the Alps stretching far back as the eye could reach, made the landscape a glorious one. It was impossible for our travellers to resist the impression that this was indeed the Pisgah of the beautiful country of which they had heard so much.

At Linz, where they stayed at the Rother Krebs, a most comfortable hotel on the Danube, Musafir and his wife were joined by two Australian fellow-passengers, who, partly on their recommendation, had come to explore the beauties of Austria. These gentlemen, even during the voyage, had betrayed some curiosity with respect to a little paragraph which appears in Murray's "Hand-book for Southern Germany," in which reference is made to the surpassing beauty of the ladies of Passau. They resolved, therefore, to join Musafir and his wife in their contemplated visit to that city. On the morning of the 29th May, accordingly, the four started in the steamer. The scenery for the greater part of the way, more especially between Aschach and Passau, they found strikingly grand and magnificent. The grandeur too was derived entirely from nature. There is little artificial about the Danube. Here and there, indeed, a ruin, or a modern castle, adds interest to the scene. But, on the whole, Nature alone has designed and painted the picture. But not in this respect alone does it differ from the Rhine. The banks of the latter are varied by towns, inland scenery, castles, chateaux, and the river is everywhere bustling with life. Its surface is covered with steamers, rafts, boats, and pleasure parties. On the Danube, on the contrary, all is calm and serenely beautiful. But few villages, three or four castles, perhaps only one steamer, and not half a dozen rafts meet the view in the course of the day. The course of the steamer lies between high hills covered with green verdure, the varied tints of which are charming. Round and through these the river winds and twists. Of life however there is little. Whilst, therefore, the Danube would more interest the enthusiastic lover of nature, the Rhine would in all probability more attract the general traveller.

The view of Passau from the Danube is most striking. The traveller comes first upon the suburb of Innstadt on the Inn, then on the city itself,—on a central point of land between the Inn and the Danube,—and lastly on the black little stream,—the Ilz,—the Ilztadt suburb hanging over it. The *coup d'œil* is quite charming, whilst the green hills behind the three towns add to the serenity and beauty of the scene.

Passau itself strikingly reminds the traveller of a city that has been. The buildings in the old town are very fine, but are almost entirely void of inhabitants. The very hotel at which our travellers stopped had a gloomy and deserted appearance, and the very ancient waiter in his long grey coat seemed to belong rather to the 17th than to the 19th century. This man was a character in his way. He told Musafir that he was a rigid Catholic, and he lamented that the English were not so likewise. It was all owing, he said, to that "teufel" King Henry the 4th "who had cut off the heads of Queen Charlotte Corday, and of nine other wives on account of their "Catholicism!"

But of all the disappointments in store for the visitors to Passau, the greatest was experienced by the Australian explorers of pretty faces. In vain did they search the streets, the churches, the markets, the thoroughfares, not one even tolerably good-looking person was to be seen. The shop of the principal photographer was examined with a similar result. The artist frankly declared that it had never been his good fortune to be sat to by a beauty. Great was the indignation of the explorers; the youngest was even heard to mutter something about an action against Mr. Murray for misdescription. Even he, however, soon calmed down. He could not be for long insensible to the extreme beauty of the situation. That indeed was more than sufficient to compensate for the other disappointment. The walk from Passau to Hals, a ruined castle on the black Ilz, was quite charming; nor could one regard without interest the waters of the three rivers, so different in colour, flowing on as far as the eye could reach without intermingling. Our travellers were not sorry, however, to return the same evening to Linz, the streets of which appeared bright and gay in comparison with Passau. Here they remained for the Sunday, then started on the following morning for their tour in the *Salzkammergut*.

This lovely province of Austria, so called from its constituting the great salt district of the Empire, is entered by Linz on the north, and is bounded on the west by Salzburg, on the south by the Great Styrian range, towering above which is the snow-topped Dachstein, and on the east by Styria itself. It is a land of mountains, of lakes, and of rivers; of trout and of chamois; of brave men and fair women; of a people who are simple-hearted and honest, active, enduring, courteous to strangers, given to hospitality. A finer race there is not in the world than these hardy sons and honest-hearted daughters of Austria. They are too a stalwart, well-set up,

Well-formed people, God-fearing yet ' merry, hardworking yet never sulky or morose. Joy is in all their dwellings,—a joy unstimulated by excess, and untainted by vice: it is to them quite natural. Poor they may be, but they feel none of the ills of poverty. Their own fair land produces for them in abundance and to spare. They toil however, yet right merrily, and it is no uncommon practice to see the peasants of both sexes assemble on the green sward after the day's work is over, and dance, to their heart's content, the pretty national dances of Styria and Upper Austria.

Our travellers proceeded from Linz as far as Lambach by rail, then alighted in order to enjoy the lovely drive from Lambach to Gmunden, and to visit the falls of the Traun, about midway between the two places. Lambach itself is pretty situated on the green Traun, and is a neat little town, commanding a fine view of the distant mountains. It boasts of a decent little inn, the Black Horse, the landlord of which had just returned from a visit to England, immensely struck with the degree of high pressure in farming there attained. He was himself a farmer in a fair way, and had some capital stock in his stables,—the produce of Hungarian blood. The prices he had given for some of these were ludicrously small. For a fine-looking, well-boned, strong-backed horse about sixteen-hands high, stepping like a park-horse, he named £16 or £17 as the price he had paid. His Hungarian pigs too were remarkably fine, but as fierce as wild boars, and disdaining in appearance all relationship with the animal as known in England.

Lambach is well worthy of a longer visit than our travellers paid it. They, for instance, had no time to visit the Benedictine monastery hanging over the Traun, famous for its library. To the good monks belongs the exclusive right of fishing in that river as far as the falls, and they freely accorded it to Musafir. The distant view of the mountain range was however too seducing, and he hastened to push on. The second day after their arrival therefore, they started in a nice, easy carriage, drawn by a pair of their landlord's best horses, for Gmunden. The drive, somewhat under two hours, was most lovely, the day was fine, and the scenery as bright and varied as scenery could be. Before them were the lofty mountains, approaching ever nearer and nearer, some of them peaked with snow, others with patches of it on their bluff fronts,—one quite covered, a huge mass of shining white. On either side of them were, now a forest of tall pines, now undulating green fields, sometimes the

swiftly-flowing Traun. At the end of an hour the Traunfalls are reached, and these they descended to examine. How to describe the undescrivable! The mass of water, the foam of spray, the rocks standing immovable in the midst, the lovely scenery on the high steep bank,—all combined to make up a picture, which if not in the strict sense of the word grand, is still intensely beautiful. To those perhaps who have seen the great falls of America, or even the Rhine fall at Schaffhausen, the Traun-falls will doubtless appear, as falls, tame in comparison, but from the lover of beautiful scenery they must always evoke the admiration which their unique and simple beauty deserves.

Gmunden itself, which was reached some forty minutes later, is a lovely spot. The lake itself, nine miles long, with clear, deep water through which the Traun takes its course, and with mountains rising, as it were, from its very deepest depths to an overpowering height above it, is most glorious. Midway down its banks, opposite the giant Traunstein, is the little village of Traunkirchen, most picturesquely situated, and containing one comfortable little inn,—the best place for the traveller to stop in. The view from the windows of this inn is lovely, and never tiring. The water is full of life, covered with steamers plying between Gmunden and Ebensee, with pleasure boats, with fishing-boats, the giant Traunstein behind them all, the waters dark in his shadow. The banks of the lake and the small elevations near it are covered with little villas, deliciously inviting for a summer residence. Most of these belong to the Austrian aristocracy, who use them for that purpose, preferring Gmunden with its lake, to the court-frequented Ischl which has only the Traun. Living at Gmunden is decidedly cheap. At the Golden Sun, where our travellers stopped, they were charged seven shillings for a bedroom and dinner including beer. Even then the honest landlady apologised for charging so much, “but,” she said, “trout are half-a-crown the pound.”

As mention has been made of beer, it may be observed that all over the Salzkammergut that agreeable and often necessary stimulant is to be had in great perfection. There are two places, however, where it is pre-eminently excellent, unsurpassable by any ale that Burton can produce. One of these is the town of Wels, between Lambach and Gmunden. The beer here is most undeniable. The brewer supplies most, but not all, of the inns at Gmunden. The other place is the city of Salzburg. The beer here obtainable is called the

Kaltenhausen, from the name of the brewery in the vicinity, the property of Count Arco, a famous Bavarian sportsman. This beer surpasses even that of Wels; but it must be specially called for if required. Mr. Jung, the excellent landlord of the Hotel de l'Europe at Salzburg, to whom we hope our readers will be introduced some day, always keeps a supply of it. Its admirers say, and say truly, that it is "better than champagne."

After a day or two's stay at Gmunden, the Musafirs proceeding by steamer to Ebensee, the southern end of the lake, left the high road to make a more lengthened stay near the little lakes of Langbath, two gems embosomed in the heart of the most lovely country possible to conceive. The village of Langbath forms, with that of Ebensee, the southern extremity of the lake of Gmunden. Five miles from this, up a gradual descent through a beautiful and hilly country, on the banks of a little trout stream, one of the feeders of the Traun, is a little dwelling-place, half inn half farmhouse, called the Krähe, owned by a man named Loidl, but generally known in the district, from his ownership of the Krähe, as the Krähmeyer. This Krähmeyer is a very fine fellow. Strong-built, active, good-humoured, he was accounted till within the last few years, the best climber, and the most daring mountaineer in Austria. He could almost run up some of the mountains which surround his comfortable little dwelling. No toil was too great, no journey too long or too venturesome that he should refuse to undertake it. Before the gamelaws were made as strict as they now are in Austria, it is said that chamois venison was ever plentiful at the Krähe; the flesh of the roebuck and the lordly stag were always too at the service of the guests of the Krähmeyer. But time has changed all this now. The daring cragsman has seen at least his fiftieth summer, and he is content to leave to others the perils of the chase. Never now does he even attempt the ascent of a mountain. He is still however a splendid specimen of a man. Honest, good-humoured, content with his lot, satisfied now with fishing the lakes, instead of climbing the mountain, with driving where he would before have walked, he is yet ever ready to assist his guests in any expedition they may make, to smooth difficulties, to pilot them on the lakes, or to procure guides for them up the mountains. His wife is his worthy partner. A good-natured, motherly old lady; always looking after the comforts of others, simple-minded, unselfish, and,—what is of no small importance,—a very fair cook in her way. The little house, now

owned by them for many years, is charmingly situated on a grassy spot, surrounded by forest and mountain, some of these covered with snow. The view from this cottage is in itself invigorating; it is so picturesque, so full of the beauties of nature, so health-imparting. In front of the inn is a little garden, planted with trees under which are chairs and tables, and at these most travellers dine. Below this is the little river which has been followed from Ebensee, and which here, close to the inn, tumbles over the rock with foam and roar, and forms a splendid *douche* bath. The basin into which it tumbles is some ten or twelve feet deep,—the water, bright, clear, and cold. The luxury of a plunge into this after a hard day's work is not to be described. The good old hostess perhaps will warn you against the coldness of the water, but, if you are an Englishman, such warning is given in vain. To go to the bank,—where you are sheltered from outer view,—to strip, to plunge in, is the work of but two minutes. The enjoyment is not to be described; still less, the feeling of freshness, of freedom from lassitude, of anxiety to start at once on fresh expeditions, which follow the immersion.

But we have said nothing of the little lakes,—the gems,—which our travellers came to see. The first is distant from the Krähe about three quarters of a mile. The walk to it is most lovely. Starting through flowery meads, which form a beautiful foreground to the mountains towering above, the traveller soon enters a glorious wood, into which the sun itself cannot penetrate. Through this, however, is a beautiful path which he follows, till emerging from the wood he comes into a park-like avenue, with trees and shrubs on either side. Turning a corner he finds himself suddenly in presence of the first lake. It is not very large,—perhaps nearly half a mile long and about as broad,—but it is very beautiful. On its right, a thickly planted forest down to the water's edge, seemingly impenetrable,—the trees covering the bank which rises high above the surface; on the left, more open yet still covered with trees, is a kind of wood, through which runs the pathway along the edge of the lake; on the other side, a grassy foreground, on which is erected a small shooting-box, the property of the Emperor; behind that a magnificent forest of lofty trees, splendid to look at; behind that again, and indeed all around, the glorious mountains. It is a soft yet beautiful sight; the calm surface of the deep lake setting off the scenery around it, and intensifying by its own bright beauty the loveliness of the scene.

That is the first lake. Crossing it in a little canoe, of which there are plenty belonging to the Krähmeyer, the traveller jumps on the grassy plot alluded to, passes by the Emperor's shooting-box, and enters the forest. The trees in this are remarkable for their stately loftiness. The walk through them has a romantic wildness about it, in striking contrast with the pleasant brightness on the other side of the first lake. After walking for a good mile and a half, the sound of rushing water strikes upon the ear, and the traveller finds himself close to the little rivulet which drains the lake. Then, all at once, a corner is turned, and the little lake itself, the gem of the district, is before him.

It is very small, smaller than the first lake. But both sides of it are beautifully wooded. Its real grandeur however is caused by a solid mass of light grey, almost white, rock, which, stretching on either side far beyond the lake, seems to rise almost perpendicularly, to a height of upwards of four thousand feet, from its further end. This rock seems too steep to climb, yet it is swarming with chamois, and is, in fact, one of the favourite haunts of the Kaiser. Gazing at it from the opposite side, its stupendous form assumes the shape of two ruined castles frowning down upon the lake. The combination is perfect. The clear water of the lake, assuming however every moment different hues from the shadows cast upon it,—the luxurious foliage, the stately castellated rocks,—form a *tout ensemble* which perfectly rivets the attention. Far grander is this than the first lake, beautiful as that is; far more calculated to strike the imagination, to engross one's whole faculties. One could remain for hours and gaze at this most lovely scene, going the circuit of the lake, or venturing on the surface of its deep waters, gaining from each move a peep into some new beauty. To see that alone a journey from India would not be thrown away.

It was this,—this little inn and these two lakes,—which Musafir and his wife selected for their first halting-place in the Salzkammergut. Eight days did they remain here, and they were eight days of the most perfect enjoyment. Always out of doors, now making an excursion to the lakes, now to the mountains; now rambling through the woods, now rowing over the lakes, attempting vainly sometimes to explore their very depths,—time passed pleasantly and quickly away. It seemed to be the one care of the good old couple at the inn to make their English guests as comfortable as possible. There were besides two Germans residing there,—one an Austrian who had been a great deal in England,

the other a Bohemian,—a retired officer, and a first-rate mountaineer. The great passion of these two gentlemen however was fishing. They made their own rods and their own tackle in a style which London would not have disdained, and they were most successful in extracting the spotted trout and the silver charr from both the lakes. Most friendly genial fellows they were. One, alas!, died that winter; but it is presumed the other still lingers in his old haunts, waiting perhaps, for he was an ardent reformer, for the season of Austria's regeneration.

Amongst the mountains climbed here by Musafir was the grey rock at the end of the second lake. So strictly are the chamois preserved in these parts, that even entrance into a certain range, of which this stone mountain is one, is forbidden to the general traveller. Permission was nevertheless given to Musafir to explore it on condition he took no gun with him, and made no attempt to molest the beautiful chamois. Accordingly, in company with a Jäger, one of the Emperor's keepers, he made the ascent. A difficult and dangerous one it was, full of slippery places, and headlong descents, but in the presence of the white snow, outvying the rock itself in whiteness, and of the distant chamois clearly visible, no sense of this was felt. One chamois actually bounded to within fifty yards of the travellers, and stood gazing at them from a point jutting out over a precipice. Suddenly he seemed aware of the dangerous proximity, for with a bound he sprang upwards, whilst the rattling of the stones below broke the silence of the scene.

The Jäger was a charming young fellow; he had served as a soldier in the Italian war, and gave vivid accounts of the mismanagement that had led to the disaster at Magenta. There, he said, the division with which he served, were thirty-six hours without food; in the presence of the enemy they received no orders at all; not a man was there in the force but believed that they had only to advance to be victorious, but for forty-eight hours there was no superior officer to give the order. Of Giulay and of Clam-Gallas he spoke with the most undisguised contempt.

The Emperor himself, though a strict preserver of game and very fond of killing chamois, is not considered by his subjects to be much of a sportsman. Instead of climbing the hills, in a true Jäger-like fashion,—the only satisfactory mode of placing oneself in competition with the chamois,—he has a sort of "machân" made for himself at the foot of the steep portion of the mountain. In this he sits, and waits for the game which Jägers and others, drive towards him. It

is an occupation scarcely worthy of the great-grandson of Maria Theresa.

Our travellers quitted these lovely lakes and the good people at the Krähe with regret on the 12th June. The kind landlady's parting words were, "Send us some more English, we like to have the English," and yet, this wish could scarcely have been expressed in the hope of making extraordinary profits out of that people; for, on examining his bill for eight days, Musafir found that the total, including board, lodging, beer, washing, scarcely exceeded three pounds. This was certainly not ruinous, yet it is probable that the Austrian lodgers paid even much less.

Walking the five miles back to Ebensee, our travellers drove thence to Ischl. The day was bright and warm, and the view all the way lovely. The road lay along the banks of the swiftly-flowing Traun, with its clear, bright green waters, always charming. The beauty of the foliage though not of the form of the hills increased as they advanced. At length Ischl, and in it, the hotel Kaiserinn Elisabeth, kept by a most obliging host, Herr Endmoser, a Bavarian, was reached. Without being in any sense grand, Ischl is very beautiful. The five valleys which meet here cause such a variety of shape and size in the hills, that different aspects are presented from every joint of view. Coming from the more beautiful scenery of the Laugbather lakes, this at Ischl was still pleasing, though from a different cause. It lacked the majestic grandeur and classic beauty of the first, but it had a soft and captivating air, as if inviting the traveller to stop and rest in its charms. The best view of Ischl itself is to be obtained from the new hotel,—the Actien Hotel. This hotel was designed by a very fine fellow named Bauer, formerly the proprietor of the Kaiserinn Elisabeth, but the magnificent scale on which it was erected quite ruined him, and it now belongs to a company. Bauer was a model host, not grasping but civil, obliging and attentive, and what is more, was beloved by the peasantry of the neighbouring villages and mountains. His taste is evinced by the selection of the ground for the hotel, the view from which is most pretty. The deep green verdure of the mountains is well set off by the light green of the Traun, which, running immediately under the windows of the Kaiserinn Elisabeth Hotel, separates the town of Ischl from the suburbs on the right bank.

Ischl is famous for its salt-mines and its salt and mud baths, the two last being useful for chest affections. But it is more honoured now, as the summer residence

of the Austrian Court and the Austrian nobility. Here the Emperor has a beautiful estate, especially dear to the Empress, as on its grounds she was betrothed. It abounds with villas constructed in the Swiss style, and boasts of a theatre, a concert-room, reading-rooms, and other places of amusement. Ischl is not indeed the sort of place which our travellers would have made their head quarters. Not only is it too fashionable for those who do not come only to see and to be seen, but situated in a valley, its climate is somewhat relaxing. It wants too the boldness of scenery by which other places near it are distinguished. Still it is extremely pretty, and the excursions to be made from it are many and varied.

A general impression prevails that Ischl is a very dear place. That it is more expensive than the surrounding and neighbouring villages is true; and Englishmen unacquainted with Austrian ways may very often be imposed upon. The Musafirs, however, who stopped six days at the Kaiserinn Elisabeth, (then reputed the best and most expensive hotel at Ischl,) found that their total hotel disbursements for that period amounted exactly to four guineas, everything included,—no great outlay at the Biarritz of Austria!

Leaving Ischl on the 7th our travellers crossed the Traun, and drove in the direction of the lake of Grundl, the beauties of which had been reported marvellous. Their road lay through the little village of Lauffen, acquaintance with which and with the good little landlady who kept the inn there, had been made by Musafir in some of his fishing excursions from Ischl. This lady was a young Viennese who had just married, and she and her husband had staked the first year of their married existence in the speculation of the little inn at Lauffen, it being her part to look after the guests at the inn, his after the excursionists on the river. Most admirably did they both perform their part, and though the Musafirs left before the success of the speculation was decided, there could be little doubt but that her pleasing manners and excellent cuisine would entice a sufficient number of the idle residents of Ischl to trust themselves to her husband's strong arm on the Traun. Still she was anxious, and every wet day seemed to add to her anxiety, as Lauffen then had no visitors, and the length of the paying season was to that extent diminished.

Passing through Lauffen and other villages on the Traun, the travellers came at length to the foot of the Pötschen-Joch, 3,224 feet high. Crossing this rather uninteresting height, they descended on the other side into a

beautiful green valley, at the extreme end of which lay the village of Aussee, also on the Traun. Suddenly they came upon the view of the glorious Dachstein, 10,015 feet high, and of the splendid glacier, the Carl's Eisfeld, near its summit. This sea of pure snow, as it appeared, had, with the sun shining upon it, a most dazzling and beautiful effect. On the other side of the valley, contrasting with the Dachstein, is the Loser, 6,000 feet, of grey stone, whose castle-like turrets are very fine indeed, whilst the smiling green valley between caused both to stand out with the greater boldness. A drive of about three quarters of an hour takes the traveller to the little town of Aussee, very picturesquely situated. Thence to the lake of Grundl is nearly three miles along the Traun, through an extremely pretty country. The Traun here runs like a torrent, looking gloriously. All at once a turn is reached, and the Grundl lake appears. Such a piece of water! At least five miles in length and upwards of two in breadth; very deep evidently. On the northern side of it a chain of high mountains, some of them covered with snow, and all prettily wooded; on the southern side a range of lesser height for the most part beautifully wooded with trees, lovely from their varying tints. On the further, or eastern, side, are bare rocks, rising almost perpendicularly from the earth; at the foot of them a small village on the green foreground. But what increased the charm of this lake immensely, was the smiling green grass-land between the mountains on the northern side and the lake. On this were some pretty cottages which, with their inhabitants, gave life and vividness to the scene. The first glimpse of this spot was charming, and our travellers found that its enchantment increased daily. Each passing hour brought to light some new beauty, some still then undiscovered charm in this most lovely place.

The little inn at which our travellers stopped is immediately at the head of the lake commanding nearly its entire length, though a turn at the extreme end prevents it from being seen. A more perfect site for an inn it is difficult to conceive. It is a three storied house, prettily built, and very well arranged. In front of it, immediately on the banks of the lake, is a little pavilion built in the Swiss style, in which guests generally take their meals. It is a place, too, in which one can sit and read, write or work, all day long. This inn was built some years ago by the Emperor's "Fischmeister," Kaim; a thoroughly honest, fine-hearted fellow. No man more keen than he to explore the lake with the Englishman in search

of the finny tribe. He has had the honour of receiving the Emperor Francis, with whom he was a great favourite, within the walls of his house. But poor Kaim is now old and infirm, and is forced to lodge in the dwelling-place of which he was once sole master. It is now rented to a man named Grogger, who has another business in Aussee, leaving his wife to manage at Grundl. The wife is a very tidy, good-humoured, bustling housewife, and the best cook in Austria. Not even in Paris will the epicure be better treated than in the little inn, the Archduke John, on the banks of the lovely lake of Grundl. She possesses too the faculty of getting good servants. Of these there were only two at the little inn besides herself. One of them, Elise, was being trained up in cookery, occasionally waiting at the table. The other, Fanny, a modest, pretty brunette, was the *kellnerinn*, or waiter, and a better, a more thoughtful or more attentive handmaid, there never was in the world. It was a sight worth seeing, to watch these two girls, on the Sunday when the place was crowded, waiting on a dozen tables at once, never making a mistake, always ready at the right moment, and doing it with an aptitude, a grace, an exactness which claimed, and always won admiration.

Another hanger-on of the little inn was a brother of old Fischmeister Kaim. He was a peasant in the neighbourhood, but during his brother's lifetime had acted as admiral of the fleet of boats attached to the inn. This was still in a measure his work. Somehow he had contracted the nickname of the *Kanzler* or Chancellor,—not on account of his aptitude at figures, for, poor fellow, he could neither read nor write,—but by that name alone was he known. He was the guide to all the beauties in the neighbourhood; his the hand to propel the canoe, or to assist in capturing the lake-trout. A hard-handed, good-hearted honest fellow was he,—may his life be prolonged!

But the lake-beauties of this place were not limited to the Grundl. Paddled by the *Kanzler* to the eastern end,—a work with one man of about an hour and a quarter,—the explorer disembarks near the village under the bare rocks already alluded to, and walks under their shadow till he comes to the Traun,—here a narrow river with clear water of a brownish hue;—ascending this he enters a pretty wood, and in about a quarter of an hour reaches the lake of Töplitz. This is a wonderful lake. Grand in its solitude, surrounded by mountains covered for the most part with the thickest foliage. Not a sound is heard, save that made by the Traun as it leaves the deep recesses of the lake,

and by the little rills, which, gathering as they descend, pour down the sides of the mountains like torrents, and which keep up the store of water. A stone on its banks marks the spot where the late Archduke John,—the defeated of Hohenlinden and once Regent of Germany,—wooed and won the fair daughter of the innkeeper of Aussee. This lake is about half the length of that of Grundl, and much less in breadth; in depth it far exceeds it, deep as that is. It is grand, solitary, and lovely. One returns from it however to the Grundl with a greater appreciation of the charms of that surpassing lake. It has the life, the variety, the cheerful gaiety in which this one is deficient. Before this return however, a visit must be made to the Kammer lake. This is but five minutes' rather rough walking from the further end of the Töplitz lake, and it is well worth that trouble. Though very small the Kammer lake is extremely beautiful. Bare rocks rise to a height of about four thousand feet on its northern side, and contrast beautifully with the wooded hills opposite; whilst from a fissure, two-thirds of the height of the former, trickling down its face into the lake, may be seen a thin line of water,—the source of the beautiful Traun. It is quite a gem of its kind,—the solitude lending it a peculiar charm. The trip to and from the inn at the Grundl lake occupies from four to five hours. The old Kanzler enjoys the office of Cicerone, and never tires of pointing out the spot on the Töplitz lake, where he and an English gentleman and lady spent the entire night, the Englishman engaged in fishing, and having, it would appear, most wonderful sport.

Independently of the enjoyment to be had at the Grundl lake and its tributaries, in the way of fishing, boating, and climbing the beautiful mountains, full of chamois, by which it is surrounded, it is likewise a capital place from which to make excursions. Grogger, the landlord, has first-rate cattle in his stable, to be let out on reasonable terms; besides which, the walks are, some of them, most lovely. Amongst these may be noted the walk to Alt-Aussee, about five miles distant across the forest. Emerging from this, one comes into a series of green, undulating meads with the glorious Dachstein in the distance. Alt-Aussee is a very pretty little village, boasting of a lake called the Au lake, and a very tidy little inn, where the stranger is carefully attended to. The cottages in this village, as in the neighbourhood of the Grundl lake, are clean and well kept, and our travellers remarked that there was not one which did not make itself attractive by the flowers in the window. The peasantry were well-to-do,

hearty, cheery, and most civil and obliging. Another pretty walk is to the Netten or Eden lake; a third, still prettier, across the mountains, to Obertraun. But, indeed, of pretty walks there is no end.

It is the custom in Austria to pasture the cows near the summits of the mountains. On the various alms, or pasturages, therefore, at various degrees of elevation there are built little huts or cottages called, in Switzerland, *chalets*; but in Austria, *Almhuts*. But there is this difference between the two;—that whereas in Switzerland the *chalets* are generally remarkable for their filth, and are kept by men who are always grasping and sometimes surly,—in Austria the *Almhuts* are models of cleanliness, and are kept by mountain-maidens, who are always clean and fresh-looking, often pretty, always unaffected and anxious to please. The first visit to one of these *Almhuts* was made by our travellers from the lake of Grundl. Piloted by the Kanzler, they set forth early one morning up the wooded sides of one of the mountains to the north of the lake. The ascent was stiff, but in an hour and a half, the green patch of level ground was reached, and here were the *Almhuts* visible. They were so clean, and in such neat order; the butter, milk, and cream were laid so invitingly on the shelves, that, out of breath as they were, our travellers could not help expressing their admiration. Whilst last, not least, the aspect of the *Sennerinnen*,—as the girls who follow this occupation are called in Austria,—was so bright and pretty; they were so fresh-looking, so clean, so glad to welcome the Engländer,—that it was quite a fairy scene. They were prompt with their offers of fresh milk to the strangers, and one of them even set about preparing a cake, of the nature of those on which the mountaineers live, and very much resembling oatmeal porridge, with this exception that while it is being stirred up they put a lump of butter in the middle. Musafir tasted this and liked it, but his wife did not much fancy it. She made amends, however, by partaking of the beautifully fresh milk which the girls freely offered. Meanwhile the old Kanzler had begun to chaff them about the peasants who courted them, and about the dancing which took place on the green alm in front of the *Almhut*. They laughingly denied however, that they had any visitors beyond stray ones such as those who were then with them. By this time their simple meal was ready. After its conclusion, to amuse their guests, they began a charming Jodel, or mountain song. It is by these they recall their cows from the distant pastures in the evening, and it may well be surmised

that never have these old mountains echoed back more pleasing harmony than that made by the voices of these Styrian maidens. On this occasion they continued their wild music long after their guests had left them, for the strain of it was heard after the Almhut and its fair occupants were out of sight.

Of the boats under the charge of the Kanzler at the lake of Grundl, some are built on the model of the English wherry, others are simple canoes, not unlike the open dinghy of India, but there is a third kind peculiar to the place. This is a small flat-bottomed boat, with room in it for but one person. The sculler sits on the flat-bottom, and takes in both hands a long propeller with blades at ends. This is dipped into the water alternately on either side, and by its means the boat is sent along at considerable speed. In managing a boat of this sort, the first difficulty for the sculler is to balance himself. This is at first by no means easy, as the little skiff is extremely light, and its rather high sides catch every breath of wind. This surmounted, the next object is to use the propeller, first, so as to avoid upsetting the skiff, and, secondly, to send it on at speed. It is astonishing to notice the dexterity attained by the Styrian peasants in this respect. There are indeed few prettier sights than that of a peasant girl in the becoming costume of the country propelling one of these tiny boats, and endeavouring, by the exercise of greater skill, to avoid the pursuit which one of the opposite sex, relying on superior strength, would at once inaugurate. To watch how, going at a steady pace, she would allow her enemy to come by rapid strokes nearly alongside, then suddenly stopping her course, would see him forge far ahead, whilst she skilfully altered her course; to watch him coming on again more furiously, only to be again baffled by some other manoeuvre, until, she, the weaker, either returned unconquered, or forcing him to confess his inferiority, paddled on in amity with her late opponent, was a sight that always interested the bystanders, and called forth excited remarks on the capabilities of the rival parties. It is one which to be appreciated should be seen.

Among the other residents at the little inn during the stay there of our travellers were a German lady and her daughter. Very pleasant, friendly people were they; the mother especially well-informed and clever. In their company many pleasant excursions were made. The daughter was a great swimmer. Almost every day about 11 o'clock she entered the wherry, and pulling out about a mile, turfed a

corner, donned her bathing-clothes, and took a header into the lake, leaving the boat to drift. She would however, after a short swim, make for it, and getting over the side, would dress and pull again for the shore, looking far fresher and gayer than if she had adorned herself in her own room.

The only drawback to the pleasure of the sportsman at the Grundl lake arose from the absolute veto placed on fishing in its waters. It appeared that these lakes were under the superintendence of one of the Imperial rangers, a certain Herr Brandeis, and this man, for some reason of his own, had registered a vow that so long as the right lay in his gift, no Englishman should exercise it. This resolve of his was bitterly resented by Grogger and the innkeepers of Aussee, for it had the effect of driving Englishmen to other parts of the country, where the authorities were less churlishly disposed. But Brandeis was inexorable. The matter, however, has since been brought to the notice of the Austrian authorities, and an order has been issued granting fish licences to all sportsmen, on the payment of a florin per diem. This churlishness on the part of Brandeis was the only piece of incivility experienced by our travellers in Austria. To Musafir it was of little moment, as the Grundl lake and its neighbourhood were too beautiful to require any extra excitement, but of all those who expressed indignation, none came near the old Kanzler. "Fish without leave," was his reiterated advice. To have followed it, however, would have been to break one of the soundest maxims for all travellers,—never knowingly to infringe the laws of the country in which they may find themselves.*

At length it became necessary to leave even the beautiful Grundl lake, and our travellers resolved to drive across the mountains into Bavaria, to the far-famed König's See, stopping by the way at the many places worthy of their inspection *en route*. With this object they hired a carriage and pair from Grogger, at the rate, all expenses told, of a pound per diem, and on the 29th June paid farewell to all the kind friends they had made at the Grundl. We use the word "friends" designedly, for even in that short period, those honest-hearted Styrians, whom they had never seen before, had become so. Many were the wishes expressed for their speedy return, for their safe journey, for another visit in next year. At last they were off; their road taking them back across the Pöstchen Joch and as far as the village of St. Agatha. Here they fell in with the road from Ischl, and crossing the Traun, which is here very broad, they ascended for

two miles as far as the Gosau Mill. Here the carriage was left, and the travellers proceeded in a boat to the little village of Hallstadt, romantically situated on the lake of that name. Here they put up at a little inn called the Grüner Baum (Green Tree), where they found themselves most comfortable.

The lake of Hallstadt differs in every particular from that of Grundl. Neither so cheerful, nor so beautiful, nor so taking, it has yet a distinct character of its own. Surrounded by very high mountains, so high that into one corner of the lake the sun never penetrates,—many of them beautifully wooded, some quite bare, but all lofty and striking,—the lake of Hallstadt possesses a sombre and melancholy grandeur. It is a place to see, but not to live at. Nevertheless it has its admirers; and one of its islands boasts even now of a little house built on it by some holyday-making Etomians and said to be by them periodically revisited. The little town is peculiar, being built up the sides of the hill; it has no roads, nor is there a horse in the place; all communication with the mainland is by water. The people looked sickly and deformed, caused partly probably by their having so little of the sun,—for the population of the village on the other side of the lake,—the village of Obertraun,—which is under a warm and sunny influence, are remarkable for their health and strength.

Near Hallstadt is a waterfall possessing some local renown. The walk to it, up a gorge between two mountains, is pretty and picturesque, but the fall itself is rather poor. It does not at least constitute the attraction that would draw visitors to Hallstadt. That attraction is to be found rather in the majestic grandeur of the mountains, and the sombre beauty of the lake.

The next day our travellers drove to Golling, the last considerable Austrian town, on the direct road to the König's See. The first part of the drive from Gosau Mill to Gosau is, from many causes, extremely interesting. In the first place it is very pretty; the two little lakes at Gosau vying with any scenery in the world. To reach these, the traveller branches off the direct road at Gosau, and drives through a clean but scattered village to a very rude little inn, kept by the village smith. It is advisable for the traveller to take his meal under the trees outside the house, as this place is an exception to the cleanliness for which Austria is otherwise remarkable. The people, however, are simple and honest, and will bring fresh milk and eggs, and will even make that

most delicious and easily prepared of all condiments,—an Austrian omelette. After the meal a guide makes his appearance and takes the traveller to the first Gosau lake,—an extremely pretty walk of three quarters of an hour. This lake is small, but beautifully situated. Near it on one side, rise up the Donner Kugel 8,000 feet high, whose dark grey summits, shaped like thunderbolts, seem as though they had fallen from heaven; a little further, the Dachstein, seen here to much greater advantage, and in far closer vicinity, than at Aussee, shines resplendently; opposite these, beautiful woods stretching back to a far distance from the lake. There are no houses, no dwelling-places on the lake; a small boat-house and a little canoe are the only signs that it is sometimes visited. But this view, beautiful as it is, is as nothing compared to those to be enjoyed during the walk to the further lake. This takes the traveller through a most lovely forest, impervious to crinolines, with occasional rather rough ascents. Ever and anon, however, the forest seems, as if by enchantment, to move aside his leafy screen, in order to disclose views of the most enchanting and bewitching beauty. In the first place the traveller sees, rising almost from its base, the magnificent Donner Kugel, which, if not of the Dolomite order, has all the peculiarities by which those mountains are distinguished; he approaches to the base of the Dachstein, and though this mountain is not visible from the second Gosau lake, the glimpses obtained of it during that three hours' walk are marvellous in their beauty. Then again, the varied foliage contrasts so beautifully with the dazzling snow, whilst the bare rocks of dark grey, or others, covered here and there with moss and verdure, come to add to the glories of the walk. It is indeed a walk that, once undertaken, is never to be forgotten.

The other reason which makes a visit to Gosau interesting is, that it constitutes a small Protestant family in the midst of an overgrown Catholic community. In the early part of the eighteenth century, the fathers of the present occupants of the little valley found in it a refuge from the tyranny of the Bishop of Salzburg. There, in spite of much persecution, and repeated attempts at conversion, have they since remained, firm in their faith. To that Protestant faith they still continue devoted, nor in this instance has persistent constancy been without reward. For now, to the number of 1,500, they are unmolested on account of their opinions, and possess even a church and pastors of their own.

Returning thence, the carriage is once more gained, and the Tannen Gebirg, a fine mountain, (upwards of 8,000 feet)

is passed on the road to Abtenau; its beauties, though probably great, being nothing in comparison with those but now enjoyed. At Abtenau, a simple village, boasting two fair inns, the traveller sleeps, or if he be adventurous pushes three hours further on to Golling. Our travellers did this, being anxious to see Pass Lueg and the famous waterfall of the Schwarzbach.

Waterfalls are not in general worth the trouble of going very far to see, but this of Golling is an exception to the rule. It descends about 300 feet down a 'nearly perpendicular rock, and is voluminous and grand seen from almost any point. But let the traveller ascend, as he can easily by steps artificially formed, to the very summit of the fall, and he sees that which surprises him. He sees the water, which is to constitute the fall, issuing through a wide orifice out of the very centre of the mountain, as though it were flowing under a bridge or tunnel; it then collects in a natural reservoir, and empties itself over the rocks into the stream below. Now the question first arises; whence does this water come? The natural answer is;—from an imprisoned lake within the mountains. Indeed, the people of Golling assert this to be a fact that admits of no dispute, inasmuch as the lake has been navigated for about an hundred yards inside. The next question that suggests itself is this; whence is this lake supplied with water? It is incessantly pouring water over the rocks, whence comes the fresh supply? It is popularly believed that it is fed by the König's See on the other side of the mountain, and lying at an elevation of 800 feet higher than that of the imprisoned lake. This may well be the case, but it has never positively been proved. Anyhow, the circumstance of a lake being imprisoned within a mountain is curious, and invites thoughts as to the unexplored wonders of Nature, and of Man's ignorance regarding them.

Pass Lueg was not on this occasion visited by our travellers, though the succeeding year Musafir atoned for this neglect. The next day they crossed the Austrian frontier near Hallein, and entered the Bavarian mountains.

At this point we break off from the unpublished journal. Not indeed because it is exhausted, for the Musafirs found Bavaria and Switzerland not less attractive than Austria. To continue however would cause us to exceed the limits allotted to a single article. Enough, we would fain hope, has been extracted to justify the assertion in which we indulged at the outset, that in a journey from India to Europe, the Anglo-Indian will find more than a recompense for many years of exile and toil. It is indeed our conscientious conviction that no man so much as the Anglo-Indian,—if not corrupted by the over-accumulation

of wealth, or spoilt and enervated by official position,—would enjoy a journey of this nature. To him all is so new, so utterly unlike the routine of the life he has been accustomed to, there is so much variety, not only in the scenery of the country, but in the manners of the people, that whilst his faculty of enjoyment is greatly gratified, his mind opens itself to new views, to enlarged ideas, to instruction, of which he has had but little knowledge. Few will deny that the tendency of a life-experience, or even of many years' experience, in one particular profession, in a daily recurrence of similar scenes, is to dwarf the mind and to narrow the intellect. The knowledge that is gained in that particular groove, of itself doubtless valuable, has even sometimes the effect of unduly exalting that baser sort of pride, which is indwelling in some minds. Because one branch of a profession has been mastered, everything else comes to be despised; other men, who may not belong to that profession, are thought to know nothing. It is as an antidote to a poison of this sort that travelling is so desirable. The men who hold such sentiments often require nothing more than the opportunity of opening the eyes of their minds, of seeing that these local questions, all-engrossing as they appear, are after all but local; that they are but infinitesimal parts of a greater whole; that whilst stimulating the baser pride, they lower the intellectual capabilities, of a man, and tend to leave him powerless to enjoy much that is, in the highest sense of the word, enjoyable. It is impossible to describe the buoyancy of spirits, the elasticity of temperament, experienced by an Anglo-Indian who tries this course for the first time. How magically do the wretched local squabbles he has left behind him disappear from his imagination; how paltry and ridiculous they seem, should a letter from India or any chance circumstance recall them! How he laughs when he thinks of the local airs of local dignities, of the tinsel decorations and assumed importance of some of his Indian associates! In a great part of Europe at all events he finds beautiful nature, unaffected manners, and the refined courtesy which is their certain accompaniment. He sees that there prevails at the basis of society a system of equality, tempered not by the official position of the individual, but by intellect and acquirement. He finds out very soon that the stilted airs of officialism are only an impediment to real enjoyment. As these new ideas steal upon him by degrees, he feels accompanying them that buoyancy of heart, and elasticity of spirits, of which we have spoken, and he experiences an enjoyment, long unfelt,—the enjoyment

of the beauties of a nature as yet free and unspoilt, and of a society unfettered by social restrictions or by artificial restraints.

It has been with the view to place a picture of this nature before our Anglo-Indian readers, that we have drawn so largely on the unpublished journal of Captain Musafir. There are, it is true, other routes than those which he followed, more enticing to the pedestrian and the sportsman. That which we have described is only one amongst many of those accessible to ladies, but the account of it will show that there is much that is worthy of being visited, something even that might be imitated, in the little explored regions of much-abused Austria.

ART. VII.—1. *The Last Days in England of the Rajah Rammohun Roy.* Edited by Mary Carpenter of Bristol, London, Trübner & Co., Paternoster Row. 1866.

THE appearance of this work is very opportune. At a time when the Brahmo Somaj is rent by schism, and its conservative and progressive elements are struggling for mastery, the question as to what were the real religious opinions of its founder, has acquired a new interest, and demands a satisfactory solution.

The most interesting portion of the work under review is that which furnishes us with materials for discussing that question, albeit the authoress herself does not grasp it with that perspicuity and impartiality which one in her position might be expected to bear on it. We shall not, therefore, hesitate to make such use of them as may be necessary for our purpose. Although not an original or independent work, yet as a compilation of various documents, letters, and accounts, her work is valuable, and will prove a great help to the future biographer of Rammohun Roy.

The first chapter of Miss Carpenter's work gives a biographical sketch of Rammohun Roy, but it is destitute of anecdotal and personal interest. It relates very little of his antecedents, and gives but an imperfect picture of his early career. In No. VIII. Vol. IV. of the *Calcutta Review*, the writer of this paper endeavoured to give an account of the parentage, education, and labours of the great Hindu, and he does not, therefore, think it necessary to reproduce it here. We have perhaps no right to find fault with the authoress for skipping over the early part of his career, inasmuch as the task she proposed to herself, namely, to describe the last days of the Hindu Reformer, has been very fairly performed. Indeed, the performance does credit both to her head and heart, and entitles her to the gratitude of all—and their number is legion—to whom the subject is congenial. The last days of Rammohun Roy, embracing as they do, his short but eventful career in Europe and the evolution of his religious and political proclivities, are indeed fraught with an abiding interest to the natives of India, not less than to those Englishmen who profess something more than a mere personal interest in the progress and welfare of Hindustan.

Rammohun Roy was in the land of his birth, as Miss Carpenter justly observes, a man greatly before his age, and a light shining in thick and impenetrable darkness. Endowed with a bold spirit and a penetrating genius he could not long have remained among the myriad millions who live and die in nominal belief but whose religion is really regulated by the geography of their country or the prejudices of their nursery. Hence, while he was appreciated only by the little band of followers, whom he had enlisted in the cause of religious reform, he was denounced and persecuted by the mass of his countrymen. Born and bred in a country immersed in the darkness of superstition, he, by a proper use of his cultivated understanding, discovered the falsity of Hinduism, publicly renounced it, embraced theism, and thereby subjected himself to those terrors of excommunication, of which we can have a faint idea in this age of comparative enlightenment. He was a *melacha* and a *nastic*—an infidel and an arch-preacher of infidelity and as such to be cast aside with one general mark of reprobation. Persecuted at home, he turned to England for encouragement, sympathy, and help, for Englishmen had evinced a keen appreciation of his unselfish devotion to the highest interests of his countrymen. He longed to see the country to whose keeping the destinies of his own had been entrusted,—the country, where philosophy, liberty, and science had achieved their proudest triumphs,—the country of the Lockes, of the Bacons, of the Newtons, of the Hampdons, and of the Watts. By this visit to England he proposed to attain two objects,—first, to obtain, as he says in one of his letters, “by personal observation a more thorough insight into its manners, customs, religion, and political institutions;” and, secondly, to seek for help in his efforts to regenerate his fatherland. Without further preface we will now follow Miss Carpenter in her account of the pilgrimage to England of this adventurous enquirer after truth.

“The arrival of the illustrious Hindu Reformer to our country was anxiously anticipated by all who had become acquainted with him through the various channels which have been laid before the reader. The nature of his labours, and the distance of the scene of them, naturally prevented his being an object of popular enthusiasm;—nor, if that had been excited in his favour, would he have desired the public demonstrations of admiration and respect which were recently accorded to the great Italian patriot. But the reception given to him, though of a widely different kind, must have been no less gratifying to him at the time, and

“to his countrymen since his departure. The highest honours were publicly accorded to him, and a place was awarded to him among the foreign ambassadors at the coronation of the sovereign; persons the most remarkable for their social standing and literary eminence sought his society, and highly esteemed the privilege of intercourse with him;—he was received into our English homes not only as a distinguished guest, but as a friend;—and when he was prostrated on the bed of sickness and of death in a foreign land, he was surrounded with the most loving attentions, tended with the most anxious solicitude, and finally laid in the grave surrounded with true mourners, who felt him akin to them in spirit, if not connected with him by the ties of earthly relationship.”

The *Albion* in which he sailed arrived at her destination on the 8th April, 1831. The Rajah landed the same day at Liverpool, and took up his lodging at one of the hotels there. His arrival in England, where his fame had preceded him, excited a considerable degree of interest. It occurred too, at a period of extraordinary fermentation. The whole nation had been wrought up into a state of overpowering excitement. Reform was then, as it is now, the one great subject which agitated the whole country. Rammohun Roy became a zealous and enthusiastic advocate of “the Bill.” He saw at once the good which this great national measure was calculated, in his opinion, to accomplish. He was convinced that it was calculated to “promote the welfare of England and her dependencies—nay, of the whole world.” It was under the hospitable roof of Mr. William Rathbone that he met the venerable Mr. Roscoe, his first interview with whom is thus related:—“After the usual gesture of eastern salutation, and with a mixture of oriental expression, Rammohun Roy said, ‘Happy and proud am I—proud and happy to behold a man whose fame has extended not only over Europe, but over every part of the world.’ ‘I bless God,’ replied Mr. Roscoe, ‘that I have been permitted to live to see this day.’” Their conversation chiefly turned upon the objects which had led Rammohun Roy to England, and in the course of it he displayed an intimate acquaintance with the political and commercial state of that country.

The visit of the Rajah to Liverpool was a very short one from his anxiety to be present at the third reading of the Reform Bill, and at the debates on the subject of India. On his departure for London he carried with him the following letter from Mr. Roscoe to Lord Brougham:—

“I have the great honour and very singular pleasure of introducing to your Lordship’s kind notice and attention the bearer of this, the celebrated and learned Rammohun Roy, who is just arrived here from Calcutta, and of whom you must already have frequently heard as the illustrious convert from Hindooism to Christianity, and the author of the ‘Selections from the New Testament’ and of ‘The Precepts of ‘Jesus;’ by the publication and diffusion of which amongst the natives of the East reasonable hopes are now entertained, that, in a short time, the shocking system and cruel practices of Paganism will be abolished, and the people of those populous regions be restored to the pure and simple precepts of morality and brotherly love. Amongst the many and important motives which have induced him to leave his country and connections, and visit this Island, I understand he is induced to hope, he may be of some assistance in promoting the cause of the natives of India in the great debates which must ere long take place here, respecting the charter of the East India Company; but I have yet seen so little of him, from his numerous engagements here, that I must leave your Lordship to learn his intentions from himself, which you will find him very capable of explaining in his own strong and appropriate English idiom. One great reason, as I understand, for his haste to leave this for London, is to be present to witness the great measures that will be taken by your Lordship and your illustrious colleagues for promoting the long wished for reform of his native country. On the present occasion, I will not trouble you further than to request, that, if it should not be inconsistent with your Lordship’s station and convenience, you would obtain for our distinguished visitor the benefit of a seat under the gallery in the House of Commons, on the debate on the third reading of the Reform Bill; which favour I am anxious he should owe rather to your Lordship (if you have no objection to it) than to other individuals, to whom, I understand, he has letters of introduction.”

The purity and loftiness of his religious ideas and his freedom from sectarianism endeared Rammohun Roy to a large section of Christians in England, who eagerly sought to do him honour. He was warmly welcomed by them as a fellow-labourer, and received by them with every mark of deep and heart-felt respect. Soon after his arrival in London, he attended a meeting of the Unitarian Society, convened to give him a welcome. On his appearance on the platform, he was introduced as the “Apostle of the East,” and was thus cordially

greeted by the Reverend Robert Aspland, who presided on the occasion. "Our illustrious friend (for such I trust he will allow me to call him) will permit me to state that his presence creates among us a sensation which he perhaps will hardly understand. It does so, because in his person and example we see an instance of the power of the human mind in recovering itself from the errors of ages; and because so we conceive that we see in him, with his intelligence and character, one of the best and most disinterested of the claims of Unitarianism to be the original Christian doctrine."

Dr. Bowring (now Sir John Bowring) in moving the resolution tendering a cordial welcome to the Hindu Reformer made the following pertinent remarks:—

"I feel it is a very signal honour to have entrusted to my care a resolution, the object of which is to welcome our illustrious oriental friend, and to communicate all we feel and hope towards him. I ought not to say all we feel and hope, for I am sure that it is impossible to give expression to those sentiments of interest and anticipation with which his advent here is associated in all our minds. I recollect some writers have indulged themselves with inquiring what they should feel if any of those time-honoured men whose names have lived through the vicissitudes of ages, should appear among them. They have endeavoured to imagine what would be their sensations if a Plato or a Socrates, a Milton or a Newton, were unexpectedly to honour them with their presence. I recollect that a poet, who has well been called divine, has drawn a beautiful picture of the feelings of those who first visited the Southern Hemisphere, and there say, for the first time, that beautiful constellation, the Golden Cross. It was with feelings, such as they underwent, that I was overwhelmed when I stretched out in your name the hand of welcome to the Rajah Rammohun Roy. In my mind the effect of distance is very like the effect of time, and he who comes among us from a country thousands of miles off, must be looked upon with the same interest as those illustrious men who lived thousands of years ago. But in the case of our friend, his coming may be deemed an act of heroism of which the European cannot form a just estimate. When Peter the Great went forth to instruct himself in the civilization of the South,—when he left the barbarous honours of his own court to perfect himself in ship-building at Saardam, he presented himself to the public eye in a more illustrious manner than after any of his most

"glorious victories. But Peter had to overcome no prejudices, he had to break down no embarrassments, for he knew that he had left those who were behind him with an enthusiasm equal to his own, and he knew that he would be received by them, when he should return, with the same display of enthusiasm. Our illustrious friend, however, has made a more severe experiment : he has ventured to accomplish that which perhaps none other connected, as he is, with the highest honours of the Brahminical race ever attempted : he has ventured to do that which would have been regarded with incredulity ten years ago, and which hereafter will crown his name with the highest honour.

"Sir, I move with great pleasure, 'That the members of this Association feel a deep interest in the amelioration of the condition of the natives of British India; that we trust their welfare and improvement will never be lost sight of by the Legislature and Government of our country; that we have special pleasure in the hope that juster notions and purer forms of religion are gradually advancing amongst them; and that our illustrious visitor from that distant region, the Rajah Rammohun Roy, be hereby certified of our sympathy in his arduous and philanthropic labours, of our admiration of his character, of our delight at his presence amongst us, and of our conviction that the magnanimous and beneficent course which he has marked out for himself and hitherto consistently pursued, will entitle him to the blessings of his countrymen and of mankind, as it will assuredly receive those of future generations.'"

Dr. Kirkland, late President of Harvard University, United States, seconded the resolution. In adopting it, the assembly rose in unanimous approbation of its object.

Rammohun Roy acknowledged the compliment in the following memorable terms:—"I am too unwell and too much exhausted to take any active part in this meeting; but I am much indebted to Dr. Kirkland and to Dr. Bowring for the honour they have conferred on me by calling me their fellow-labourer, and to you for admitting me to this Society as a brother and one of your fellow-labourers. I am not sensible that I have done anything to deserve being called a promoter of this cause; but with respect to your faith I may observe, that I too believe in the one God, and that I believe in almost all the doctrines that you do: but I do this for my own salvation and for my own peace. For the objects of your Society I must confess that I have done very little to entitle me to your gratitude or such admiration of my

“conduct. What have I done?—I do not know what have I done!—If I have ever rendered you any services they must be very trifling—very trifling I am sure, I laboured under many disadvantages. In the first instance, the Hindus and the Brahmins, to whom I am related, are all hostile to the cause; and even many Christians there are more hostile to our common cause than the Hindus and the Brahmins. I have honour for the appellation of Christians; but they always tried to throw difficulties and obstacles in the way of the Principles of Unitarian Christianity. I have found some of these here; but more there. They abhor the notion of simple precepts. They always lay a stress on mystery and mystical points, which serve to delude their followers; and the consequence is, that we meet with such opposition in India that our progress is very slight; and I feel ashamed on my side that I have not made any progress, that might have placed me on a footing with my fellow-labourers in this part of the globe. However, if this is the true system of Christianity, it will prevail, notwithstanding all the opposition that may be made to it. Scripture seconds your system of religion, common sense is always on your side; while power and prejudice are on the side of your opponents. There is a battle going on between reason, Scripture, and common sense; and wealth, power, and prejudice. These three have been struggling with the other three, but I am convinced that your success, sooner or later, is certain. I feel over-exhausted, and therefore conclude with an expression of my heart-felt thanks for the honour that, from time to time you have conferred on me, and which I shall never forget to the last moment of my existence.”

The religious sympathy evinced towards Rammohun Roy by the Unitarians of England must have been refreshing to his spirit, and compensated in no inconsiderable degree for the persecutions to which he had been subjected in India. “While in London,” says Dr. Carpenter, “he repeatedly attended the worship of the Unitarians, at their different chapels in, or near the metropolis, and he twice attended their anniversary meetings: but it was his system to avoid so far identifying himself with any religious body, as to make himself answerable for their acts and opinions; and he also wished to hear preachers of other denominations who had acquired a just celebrity. He appears to have most frequented the church of the Rev. Dr. Kenny, (St. Olave’s, Southwark), who peculiarly interested him by the Christian spirit and influence of his discourses.”

While in London, Rammohun Roy had the satisfaction of seeing the appeal of the *Dharmasabha* against Lord William Bentinck's edict for the abolition of *Suttee* rejected by the Privy Council, and the Charter Act for India passed by the Parliament. As a patriot and a politician he rejoiced in these measures, for he was both in the truest sense of those words and needed but a larger stage to rank in sober reality with the foremost statesmen of the age.

It was however as a philosopher and a reformer that he was sought after and prized by intellectual and thoughtful men in England. The following interesting anecdotes illustrate his views on philosophical and religious subjects. The first is from the pen of Mr. Recorder Hill:—"I only met the Rajah Rammohun Roy once in my life. It was at a dinner party given by Dr. Arnott. One of the guests was Robert Owen, who evinced a strong desire to bring over the Rajah to his socialistic opinions. He persevered with great earnestness, but the Rajah who seemed well-acquainted with the subject, and who spoke our language in marvellous perfection, answered his arguments with consummate skill, until Robert somewhat lost his temper, a very rare occurrence, which I never witnessed before. The defeat of the kind-hearted philanthropist was accomplished with great suavity on the part of his opponent."

The next is from a lady acquaintance of the Rajah:—

"At a small evening party at my house in Grenville Street, principally to meet the Rajah, he referred to the doctrine of Original Sin in a way that startled a lady of the Church,—a very charming and amiable woman,—who had brought her daughter. 'But surely, Sir,' she exclaimed, 'you do believe in original sin?' He looked at her and she blushed deeply. 'After a minute,' he seemed to comprehend the whole, and very gently inclining he said, 'I believe it is a doctrine which in many well-regulated minds has tended to promote humility, the first of Christian virtues; for my own part, I have never been able to see the evidence of it.'

In compliance with the reiterated invitation of Miss Kiddell, Rammohun Roy went to Bristol early in the month of September, 1833. He put up at Stapleton Grove, the residence of Miss Kiddell and her ward Miss Catherine Cassell. He was accompanied by Miss Hare the niece, and not, as Miss Carpenter supposes, the daughter of David Hare, the father of native education in Bengal; he was attended by his two Hindu servants, Ramrutton Mookerjee, afterwards Deputy

Collector of Moorshedabad, and now residing at Maniktollah; and Ramhurry Doss, now Head Gardener of the Maharajah of Burdwan. The fame of the services rendered by the Hindu Reformer to the cause of Unitarian Christianity in India had preceded him in Bristol about eight years before his arrival there, when an appeal on behalf of that cause had been made to the congregation and had been responded to most liberally. It is, therefore, small wonder that his appearance in Lewin's Mead Chapel was warmly welcomed. He visited also other places of worship, and while engaged in public devotion there he was wont to read some of Dr. Watts's hymns for children, and he frequently dwelt with great interest on the following verse:—

“ Lord ! how delightful 'tis to see
 “ A whole assembly worship Thee :
 “ At once they sing, at once they pray ;
 “ They hear of heaven and learn the way.”

On the eleventh September of 1833, a large party was invited by Miss Kiddell to meet Rammohun Roy at Stapleton Grove. The conversation was animated and protracted and elicited the Rajah's various talents, breadth of view, and grasp of mind, calling forth the admiring respect of the company. It is thus described by Dr. Carpenter: “ In the “ conversation at Stapleton Grove were men fully competent “ to judge of intellectual power ; and one and all admired and “ were delighted by the clearness, the closeness, and the acute- “ ness of his arguments, and the beautiful tone of his mind. In “ the second of the two conversations at which Mr. Lister was “ present, the Rajah continued for three hours, standing the “ whole time, replying to all the inquiries and observations that “ were made by a number of gentlemen who surrounded him, “ on the moral and political state and prospects of India, “ and on an elucidation at great length of certain dogmas of the “ Indian philosophers.”

Among the dogmas of the Indian philosophers which formed the theme of conversation, was the doctrine of Absorption. There being a general desire among some of those who heard the Rajah to know more of the doctrine, Mr. Shephard, the author of many valuable devotional works, addressed to him a letter, dated, Richmond Terrace, Clifton, September 17th, 1833, in which he asked his correspondent to enlighten him and his friends on the real opinions of those philosophic Hindus who seek absorption as the chief good. He thus stated the object of his enquiry: “ I conceive it may “ be briefly put thus:—Do they believe that there may be

"consciousnesses, or a *plurality* of consciousness (indivisibly) in
 "the One Total of happy Being?—or—Do they believe that
 "there can be but *one* consciousness in that One Total of happy
 "Being? Only the former of these suppositions seems to require
 "being illustrated. If *that* be the tenet, it appears to me to
 "imply that the Absorbed, though no longer properly an *I* or
 "human person, may still somehow *soliloquize*; or rather
 "think or utter its undivided strain in the Divine *omniloquy*,
 "as thus—'That which was *I*, but is rejoicingly not *I*, exists
 "but also fully in-exists and has its undivided being, or in-
 "being in the Universal Mind. It meditates with the whole, *is*
 "of the whole, is blest with and in the whole. The interposed
 "and dissoluble which parted the unity and continuity of the
 "Divine *Substance*, is gloriously removed. The substance which
 "was *I* is now not *itself* (though it exists), for it is continuous
 "with the whole Divine Self. It has no will, but a mode
 "of the universal will, no thought but a mode of the whole
 "thought of the '*I am.*' If such be the tenet, however in-
 "conceivable or dimly conceivable (by us at least) such a
 "sort or modification of consciousness may be, it is neverthe-
 "less not *unconscious* being to which those philosophers aspire,
 "but a *mode of conscious inexistence or inbeing.*"

The solemn query propounded in this letter never received
 an answer for he to whom it was addressed was prostrated on a
 bed of illness from which he did not rise on this side of
 eternity. In the course of the conversation at Stapleton
 Grove, respectful enquiries concerning his religious opinions
 were addressed to him. To these he freely and frankly
 replied. After his death, which melancholy event took place
 soon after the Stapleton Grove party, Dr. Carpenter wrote
 to Mr. John Foster, the well-known Essayist, and to Dr.
 Jerrard, the Principal of Bristol College, to request them
 to express their opinions from what they had heard in
 conversation with the deceased, as to whether he believed
 in the divinity of Christ and the resurrection and miracles.
 Mr. Foster replied that Rammohun Roy had expressed
 his belief in the resurrection of Christ, and in the
 Christian miracles generally, and added "at the same time
 he said, that the *internal* evidence of Christianity had been
 "the most decisive of his conviction. And he gave his opinion,
 "with some reasons for it, that the miracles are not the part of
 "the Christian evidence, the best adapted to the conviction of
 "sceptics." Dr. Jerrard sent Dr. Carpenter the following
 brief answer:—"The Rajah Rammohun Roy expressed his
 belief in the divine authority of Jesus Christ, as an accredited

"messenger from God. He explicitly declared that he believed in the miracles of Christ generally, and particularly in his resurrection, which he said was the foundation of the Christian faith, and the great fact on which he rested his own hopes of a resurrection." Mr. Estlin, the Surgeon who attended the Rajah on his death-bed, thus jotted down in his journal:—"The Rajah said, he had denied the divinity of Christ, but not of his commission."

This is all the evidence which Miss Carpenter adduces to prove that Rammohun Roy was a Christian. If by this it be meant that he was a thorough-going Bible-Christian, we are afraid, her position is untenable, but from a careful consideration of the testimony afforded by his writings, and his life, we have no hesitation in declaring our conviction that he was a Christian in the highest acceptation of the term, inasmuch as he tried to realize Christ in himself.

Rammohun Roy did not believe in the infallibility of the Bible. He did not believe in the deity or divinity of Christ, but he believed that Christ was an inspired teacher of righteousness, and taught on the authority of the most high God, and that what he taught was the Father's doctrine, not his. He regarded Christ as the greatest Reformer of the world, and the greatest soul of all the sons of men; one, before whom the majestic mind of a Vyas and a Shankaracharya, a Kubeer and a Nanuc, a Ramanund and a Chaitanaya must veil its face. He believed not that Christ was God, but that God's word was in Christ.

Rammohun Roy might have possibly believed in the Christian miracles, but the same authority which makes this statement also assures us that he considered that "the miracles were not the part of the Christian religion, the best adapted to the conviction of sceptics," and "that the *internal* evidence of Christianity had been the most decisive of his conviction." It is therefore manifest that Rammohun Roy believed that the doctrines of Christianity, like the truths of Astronomy and Geology, rested not on the personal authority of the teacher, but on their own authority, on the authority of absolute truth. They rested not, in his opinion, on miracles, for if they did, Christianity would be in the same position as Hinduism, which he had denounced as a false religion. He thought that the more superstitious a nation was the stronger was the claim to miracles. The Hindus tell us that the Vedas were breathed out by Brahma, and are a miracle, and that Vyas, the author of the Vedant had miraculous inspiration, visions, and revelation. The Mahomedans likewise

tell us that the Koran is a miracle, and that Mahomet held frequent communion with the spiritual world. In the religion of the Coles, the Koonds, and the Kareens, all is miracle, and its authority according to miracle-mongers ought to be the best in the world. Rammohun Roy knew and felt that in resting Christianity on this basis, he would rest it on the same foundation not only with Hinduism and Mahomedanism, but with the lowest form of Polytheism and Fetichism. If Rammohun Roy believed in the Christian miracles at all, he must have believed only in their possibility, not as transgressions of all law which God has made, but in their conformity with some law out of our reach. He must have regarded them as modes of divine manifestation not understood by man. Viewed in this light, life and death, mind and soul, are miracles.

We are free to confess that from his attendance at their chapels, and his known bias to their doctrines, the Unitarian Christians of England had some sort of right to claim him as a co-religionist. In the same manner the special patronage, which he thought proper to bestow on Vedantism, made it more than probable that he was a Vedantist. The laudatory terms, in which he was accustomed to speak of the doctrines of Mahomet, were calculated to produce an impression that he was a believer in the Koran. But it would be waste of time to argue that he was not a Mahomedan. Neither was he an Unitarian Christian, as the testimony of Dr. Carpenter himself, already quoted, proves, that while in London, although he attended the Unitarian chapels, yet *it was his system to avoid so far identifying himself with any religious body, as to make himself answerable for their acts and opinions.* We would go further and say, though it may startle and scarify the Brahmos of the old *regimé*, that he was not a Vedantist. In truth, all speculation as to his belief in any religion founded on his advocacy of certain doctrines inculcated by it, or his attendance at its place of worship are obviously futile. Rammohun Roy was essentially a Theist. He was, as we observed in the pages of this *Review* more than twenty years ago, a religious Benthamite, and estimated the different creeds existing in the world, not according to his notion of their truth, or falsehood, but by his notion of their utility; according to their tendency, in his view, to promote the maximization of human happiness, and the minimization of human misery. His patronage, therefore, of any system of creed cannot be construed into a profession of it. He endeavoured to refine all gross and idolatrous systems into a

system of pure monotheism. Clear, subtle, daring, and deep, he aimed at revolutionizing the religious world. Endowed with the faculty of generalization and animated by an earnest desire to sift and proclaim the truth, he had critically studied the Bible, the Koran, and the Vedas. He had arrived at the conclusion that the Vedas inculcated pure monotheism, and the idolatry practised by his countrymen was a corruption of the ancient faith. He had publicly renounced that idolatry and declared it his mission to exterminate it, and to resuscitate the primitive and rational religion of the Vedas. He had learnt to appreciate the code of morality inculcated in the Bible, as the purest and loftiest; and he had done his best to expound and promulgate it to his countrymen. His three Appeals to the Christian Public, his Exposition of the Upanishads, and his Persian work *Tohufatal Mowahedeen* attest the consummate ability and unwearied zeal, with which he enforced monotheism as the substratum of the three principal religious systems of the world. His great object was to engraft a kind of universal Unitarianism on the prevailing religion of his country. But we have said that he was not a Unitarian, his Unitarianism was essentially different from that of the Channings and the Carpenters, the Priestleys and the Parkers. His was a sort of Catholic Unitarianism. It was philosophical theism. It was Natural Religion, which so many philosophers of ancient Greece and Rome followed. His advocacy and support of the cardinal doctrines inculcated by different religions, though it might apparently evince his vacillation, was in truth the result of Utilitarianism. But while he advocated the monotheistic principles of the Bible, the Vedas, and the Koran, he spared no system of idolatry. With a moral courage, rarely to be met with among Hindu reformers, he denounced the idolatrous prejudices of Hinduism, Mehomedanism, and Christianity with merciless, but impartial, severity.

This uncompromising and unsparing iconoclast, while striving to eliminate superstition and hero-worship from the religious systems he had studied, failed not to extract from them the simple and saving truths of monotheism.

It has been urged by some that Rammohun Roy had no positive religious convictions whatever, but was merely a free thinker. But his whole life is an entire refutation of this charge. True he belonged to no existing sect, nor did he seek to inaugurate a new system of religion. The great ambition of his life was to promote love to God and love to men. This he tried to effect by bringing together men of existing persuasions, irrespective of all distinctions

of colour and creed, into a system of universal worship of the One True and Living God. This object is indicated in unmistakable language in the Trust-Deed of the Brahmo Somaj. "The said messuage or building, land, tenements, hereditaments, and premises, with their appurtenances, to be used, occupied, enjoyed, applied, and appropriated, as and for a place of public meeting of all sects and descriptions of people without distinction, as shall behave and conduct themselves in an orderly, sober, religious, and devout manner for the worship and adoration of the eternal, unsearchable, and immutable Being, who is the Author and Preserver of the universe, but not under or by any other name, designation, or title peculiarly used for and applied to any particular being or beings by any man or set of men whatsoever, and that no graven image, statue, or sculpture, carving, painting, picture, portrait, or the likeness of anything, shall be admitted within the said messuage, building, land, tenements, hereditaments, and premises." It is therefore manifest that what Rammohun Roy wanted was not unity of creed or the creation of a separate religious community like that of the Brahmos, but to spread monotheistic worship, to establish a universal church where all classes of people,—Hindus, Mehomedans, and Christians,—would be all alike welcome to unite in the worship of their supreme and common Father. He was sincerely and unaffectedly religious. His was one of those happy and uncommon natures which could embrace all that is good in latitudinarianism, its fervent piety and its large philanthropy.

It is not our province to discuss the truth or falsity of the faith held by Rammohun Roy. We are not the apologists but the exponents of that faith. Rammohun Roy recognized no special or book-revelation. He held a record of religious truth, revealed by God to man, to be a moral impossibility. He fell back for such truth on the book of nature. He believed that the evidence of the existence and attributes of the Deity are written in the material as well as the moral world, in the frame-work and constitution of external nature, as well as in the intuitions of the human mind. He denied Original Sin and Depravity as his incisive answer to the lady already quoted shows. Though he recognized no inspired mediator or saviour, yet he believed that whenever a person with such claims has appeared, his inspiration has been the result of the beneficent impulse communicated by the Great Beneficence in proportion as the lessons He has inculcated have been wise and effective. He believed that the great business of his faith was to rest on

the greatness and goodness of God. He also believed that the great First Cause of the universe is a wholly good, just, and beneficent Being, free and distinct from His works. He believed, as he himself preached, that "the Omnipotent God, who is the only proper object of religious veneration, is one and undivided in person;" that "in reliance on numerous promises found in the sacred writings, we ought to entertain every hope of enjoying the blessings of pardon from the merciful Father, through repentance, which is declared the only means of procuring forgiveness for our failures;" and that He leads such as worship him in spirit to righteous conduct, and ultimately to salvation, through his guiding influence which is called the Holy Spirit."

We have now seen how Rammohun Roy has stood forth in advance of his age and has left on it a mark which will not be easily effaced. He was the Liberator of his country from prejudice and superstition—the great Teacher from whom his countrymen were to learn to emancipate themselves from the fetters of a false religion and to worship the one true and living God. The impetus, which he communicated to the national mind is bearing it onward. Let us trust that the intellectual and moral training of the rising generation of the Hindus may land them in that position of protest against idolatry, which Rammohun Roy took as the foundation of his creed. Let us trustfully and devoutly anticipate the day, when the bitterness of sectarianism shall have ceased, and when one faith shall have brought all nations of the earth into that happy union which is in the present day the dream of many Christians, and which was certainly not one of the least fervent aspirations of Rajah Rammohun Roy.

ART. VIII.—BISHOP COTTON.

THE sudden call from this earthly scene of a good man, unselfishly and earnestly labouring for the welfare of his fellow-creatures, is an event calculated at all times to arrest the attention, and to call forth the public sorrow of a community. Much more is this result likely to be produced when the position occupied by the departed has been one of great influence and high dignity,—a position giving opportunities for the exercise of the greatest virtues inculcated by the doctrines of Christianity. Those who had watched the career of the late Bishop Cotton in this country would, therefore, have been prepared doubtless for the expression of private lamentation for his loss, which has echoed among the various European communities, and in almost every European family, throughout India; but we question very much if even the most intimate friends of the Bishop in the least degree expected that spontaneous outburst of regret, that sympathy and condolence with his nearest sorrowing relatives, which the news of his sudden demise evoked from the educated natives of Bengal. This, at least, is a testimony to the character of Bishop Cotton, to his sterling large-hearted philanthropy, to his truly catholic spirit, which his surviving friends may regard with real and profound satisfaction. It is the testimony, the unbought and unsought for testimony, of the non-Christian portion of the community among which he lived, to the practically Christian character of his life and doctrines. It is an evidence of the fact how truly, how completely, Bishop Cotton had grasped the entire spirit of the teaching of the great Apostle of the Gentiles,—not hiding his own faith nor losing an opportunity of impressing it upon his hearers, but labouring in that catholic and Christian spirit which spoke in the Apostle when he directed those to whom he wrote to “give none offence, neither to the Jews nor to the Gentiles,” and when he declared, “if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.” Characters such as these have always been and must be rare; the more therefore are they prized and appreciated. They are the salt of the earth,—the men who see even in the worst of their fellow-men some point of character to be

appreciated and worked upon, some grain of goodness overlooked and neglected by the multitude. It was the working of this large catholic spirit that called forth very recently from a member of the Free Church of Scotland,—one in whose eyes the forms and hierarchical system of the English Church find but little favour,—the appropriate remark, that Bishop Cotton was peculiarly adapted to be the representative of English Christianity in this country, and the admission, that to him the members of all Protestant communities in India looked as their natural head. To a mind constituted as was his, there was ever present the great end of his mission to this country, to do good to all independently of class or creed,—to provide education for his own countrymen, and to place before the natives of India examples of the tendency of the practice, not the mere profession, of Christian doctrines, to purge the individual of his vices, and to improve the national character. Working thus, silently appreciated by all, looked up to by all classes of Protestant Christians, as well as by the educated natives of India, his presence in this country, whether at the metropolis or engaged on his tours, inspired a confidence and security in the public mind, which personal communication with the Bishop tended only to confirm. It was not only that he was accessible, of refined and courteous manners, great scholarly acquirements, and vast information on matters of general interest, but he invariably brought to bear upon all subjects submitted to him the same good sense, keen knowledge, and large-hearted comprehensive views, by which his public administration was characterised. If occasionally his pen has been taken up to join in some of the public controversies which have agitated India during the past six years, it has been to employ it generously in the service of the masses, or in advancing the cause of the general good. To the pages of this *Review* he was a frequent contributor. His clear, sparkling style almost invariably indeed betrayed the authorship, but the subjects to which he devoted himself were those which all would have been proud to advocate. The progress of education, its promotion amongst the masses, were the main subjects of his advocacy. To his earnest and continued support do they owe much of the success they have attained. He was not indeed spared to witness the full harvest he always looked forward to; but we are confident that when that happy time shall arrive, there will be none amongst those who were his fellow-labourers, and who may then have succeeded him in his advocacy, who will hesitate to admit the vast debt which the cause of education in India owes to the multifarious exertions of Bishop Cotton.

* We have mentioned that the Bishop was a contributor to this *Review*. To it he was something even more. He was ever anxious that it should worthily represent the intellect of the European community in India; that it should aspire to a higher position than that of being a mere vehicle for the discussion of local questions, though these should not be lost sight of, but that it should take up subjects of literary, historical, and scientific interest connected with India. He regarded it indeed as a duty incumbent especially upon the younger members of the services, whose leisure hours were more at their own disposal, to improve their acquaintance with Anglo-Indian subjects, by qualifying themselves to write upon them. It is partly on this account, partly because our admiration for his character and our regret for his untimely end seem to demand it at our hands, that we are unwilling that this,—the number of the *Review* next following his death,—should appear without a short notice of his career. Imperfect it must be, for we write at a distance from the spot where, alone in India, questions regarding him could be put and answered, but through the data kindly forwarded to us, the record, though imperfect, will at least be accurate.

Bishop Cotton was born in 1813,—the son of Captain Thomas Wavenant Cotton, 7th Fusiliers. He was educated at Westminster. From that school he was transferred, as a Westminster scholar, to Trinity College, Cambridge, in the month of June 1832. His industry and abilities must have been even then remarkable, for it is recorded that in the three following years he attained successively the first place in the College examinations. In the last year of the three, 1835, prizes were likewise awarded him by the College for the second English declamation and the best English essay, as well as one of those annually given to the best readers in Chapel. In 1836, proceeding to the degree of Bachelor of Arts, he was placed among the senior optimes of the year, and subsequently in the first class of the classical tripes. Two years later, in the month of October, 1838, he was elected, after examination, Fellow of Trinity.*

A college career, so successful, seemed to presage well for the future of Mr. Cotton, the more so because, in addition to his industry and acquirements, he had won the respect of all with whom he had come in contact by his clear vigorous understanding, by his high moral and religious character, and by

* Dr. Vaughan, late Head Master of Harrow, remarked at a subsequent period,—“I well remember the strong impression made upon the minds of the examiners by the attainments and ability shown in his papers.”

the uniform and exemplary correctness of his conduct. Probably, in the choice of a profession he was influenced mainly by the ambition, the noblest of all aspirations, to be of service to his fellow-creatures, and it can scarcely be doubted that he felt that he could best carry out this aim by inculcating on the rising youth of England sound principles of action. His own college experience, as well as the historical and philosophical deductions which his thoughtful and eminently practical mind had led him to draw, must have shown him how much the future of a nation depends upon the training of its youth. It had happened too, that just at that period the spirit of the thoughtful community of England had been greatly influenced by the teachings and writings of Dr. Arnold. The manly tone and practical character of those teachings and writings produced their natural effect on one so alive to the practical, and with whom manliness and directness of purpose were first principles. Although, therefore, Mr. Cotton entered the church, he did not choose a parochial career, but accepted, the year after his ordination, the office of tutor at Rugby under Dr. Arnold.

The next fifteen years of his life were spent by Mr. Cotton in this chosen sphere of labour. The good which may be effected by one occupying such a position cannot always be accurately judged of at the time; it may be more correctly estimated by the after career of those whose character he may have been able to influence. Nevertheless, some conclusion may be drawn from the expressed opinion of contemporaries who may have witnessed the working of the system adopted. The opinion of Dr. Arnold himself on such a subject is at least worthy of being recorded. He, it is stated on excellent authority, valued most highly Mr. Cotton's attainments as a scholar, and skill and tact in teaching, and regarded it of special importance that he had, as a coadjutor, one who so thoroughly sympathized with his spirit. By others, the warm attachment to him of many of his pupils, the influence he gained over them, the fact that they acquired from his teaching not only intellectual advancement, but improvement in moral and religious feeling, his popularity among his fellow-masters, his religious consistency, his wise prudence, his unwearied industry, his single-minded devotion to his work, his freedom from narrow prejudices, his readiness in the discrimination of character, were remarked and recorded. His scholarly attainments are best testified to by the fact that when Mr. William Smith, the translator of "Niebuhr," was engaged in the important undertaking of editing a dictionary of Greek and Roman biography,—the articles for which were to be contributed by the best scholars of the

English and Continental Universities,—on the recommendation of the late Chevalier Bunsen, the Prussian ambassador, who spoke of him in the highest terms, he applied to Mr. Cotton for assistance. Mr. Smith, in his letter to the trustees of King Edward's School, Birmingham, mentioning this circumstance, added,—“from the contributions which I have received from Mr. Cotton I am convinced that he is an accurate and well-read scholar, and is likely to attain high literary eminence. I may perhaps be allowed to state that I know that the late Dr. Arnold had the highest opinion of Mr. Cotton's scholarship and literary attainments, and considered him one of the best teachers we have.”

But perhaps the best testimony to the merits of Mr. Cotton as a teacher, to use the word in its broadest sense, consists in the letters received by him from the parents, or, in after life, from the pupils themselves. Letters of this nature were written to him by the late Bishop of Ripon, by the Bishop of Llandaff, by Dr. Lushington, by Sir Edward Parry, and many others.

From these we select at random two, which, however, express the spirit of the whole. “I am sure,” wrote Sir Edward Parry, “that the parents of many boys, who have enjoyed the privilege of being in your house, and under your tutorship, would willingly testify the obligation under which they lie to you as a scholar, a gentleman, and a Christian; while the remarkable hold you have gained on the affections of your pupils convinces me of your peculiar fitness for the more extended responsibility to which you now aspire.” The Venerable George Hodson, father of Hodson of Hodson's Horse, thus expresses himself: “I have known Mr. Cotton personally for several years. Two of my sons have, successively, been inmates of his house at Rugby; the younger of them for upwards of five years, previous to his going to the University at Christmas last.”

Worthy of being added to these, and especially interesting to those who have seen Bishop Cotton earnestly striving in this country in the cause of education, is the testimony of the present Bishop of London, given to Mr. Cotton on the occasion of his standing for the Head Mastership of King Edward's School. “I have had daily opportunities now for upwards of five years, in my situation here, of observing Mr. Cotton's fitness for such an office: and I have no hesitation in saying, that there is no one I have ever met with to whom I would more gladly entrust the education of any son of my own. I believe him to be a truly religious man, and especially to have both the

" desire and the power to apply his religion in the practical
 " work of education. I have always been particularly struck
 " with his faculty for acquiring influence of the best kind over
 " his pupils. So much so, that if he leaves Rugby, I feel
 " certain that we shall have sustained a loss on this point which
 " it will be extremely difficult, if not impossible, to supply.
 " Certainly it is remarkable how many of the senior boys under
 " his care have shown a seriousness and staid character unusual
 " at their age." Again, "I can speak in very high terms of
 " Mr. Cotton's qualifications as a teacher. He is a good disciplinarian, at the same time that he appears to be uniformly
 " kind to his boys. He is a sound scholar and takes an interest
 " not only in classical literature generally, but in the minutest
 " details of scholarship; as is shown by his translation of Professor Lucas' German treatise on the Homeric Greek. He
 " always appeared to me to take a lively interest in modern,
 " as well as ancient literature, and thus I should think he would
 " never neglect that very important part of a teacher's duty,
 " the continual study to improve his own knowledge and taste;
 " and he appears well able to interest his pupils in the communication of what he knows. He has a remarkable capacity
 " for work, being able to accomplish a great deal without any
 " apparent effort, by his habits of regularity and steady
 " application. The duties of his office here are very laborious;
 " they are always well performed, and always apparently
 " without any hurry, or extraordinary labour. In other respects
 " Mr. Cotton seems to have several qualities especially required
 " in such a post as that to which he aspires. His earnestness
 " in religion is perfectly free from bigotry; *he is indeed one of the*
 " *most truly liberal-minded men I have ever met with.* In the
 " *management of any great system of education entrusted to his*
 " *care, he would be sure to look out on all sides for improvements.*
 " His conciliating manners and real kind-heartedness would be
 " sure to secure the affectionate regard of those with whom he
 " was called to act." This testimony is the more valuable,
 inasmuch as, at the time of making it, Dr. Tait was Head
 Master of Rugby, and had therefore enjoyed peculiar opportunities
 of becoming acquainted with the actual working of Mr. Cotton's
 system, and his personal character and qualifications. Two years
 later, when reprinting the same testimonial for another purpose,
 Dr. Tait added; "Everything that has occurred since that time
 has tended to increase rather than to diminish the respect and
 regard which I have felt for you. If you were elected as my
 successor, I feel confident that that system of conducting the
 school, which has now stood

“the test of more than twenty years, would be safe in your hands.”

We did not intend to select further from contemporary masters. The language used by Mr. J. C. Shairp of Balliol College, Oxford, and one of the masters of Rugby, expresses so clearly, however, the opinion which those who best knew Bishop Cotton in this country formed of his character, that we cannot refrain from extracting it. “An almost daily intercourse with Mr. Cotton for the last three years,” writes Mr. Shairp, “during which I have seen him in a position very similar to that to which he now aspires, enables me to speak of his qualities as a teacher, not from conjecture, but from actual experience. I am convinced that there is nothing in this school more valuable than his whole character and the spirit in which he works. Soundness of judgment, even balance of intellect, accurate mental habits, power of reproducing knowledge clearly, and placing before others the result of his own study;—these are among his more obvious gifts as a teacher. But those who know him best feel most that these are raised much beyond their natural value by the moral qualities which pervade them. Others no doubt have dealt fully on these his higher merits. I desire to add one testimony more,—to his candour and open heart for truth,—to his singleness of purpose and deep conscientiousness,—to his unusually strong interest in boys and their welfare, witnessed by the affection so many of his pupils bear him, and to his simple devotion to the work in which he is engaged. When first I came to Rugby, the visible influence of his character on the boys in his own house struck me forcibly. Nor was this a transient influence; the seriousness of character, which, amid many individual differences, marks out so many of his pupils now in the universities, bears stronger witness than words can do to the source whence it comes.”

The letters, which Mr. Cotton received from his pupils, after they had won honours at the universities, and entered on their several callings, breathe, one and all, a feeling of earnest gratitude for his zealous, indefatigable, and painstaking care, for the mental training to which he had subjected them. Of the value of this training they became in after years fully convinced, and there was not one amongst those educated under his roof, and who attained afterwards to eminence, who did not trace his rise to the affectionate solicitude and power of communicating knowledge by which Mr. Cotton's career as master at Rugby was characterised.

Neither in his candidature for the Head-mastership of King Edward's School, Birmingham, nor in that for the Head-mastership of Rugby was Mr. Cotton successful. For the second post the choice fell upon Dr. Goulburn, to whom till then he had been a stranger. A little more than two years after, however, Mr. Cotton was elected to the Head-mastership of Marlborough College. In transmitting his name to the Council of that college, Dr. Goulburn thus wrote of the opinion he had formed of Mr. Cotton's merits, after two years' close intercourse, and experience of Mr. Cotton's working under himself as Assistant-master: "The Rev. E. L. Cotton has been for several years an Assistant-master of Rugby School. During the two last years I have had the great pleasure and privilege of being acquainted with him. Reluctantly and disinterestedly I write in his commendation: for there is no one connected with Rugby School who does not feel for him an affectionate veneration, and who is not convinced that, in losing him, the school will sustain a loss which can hardly be repaired.

"To begin with the highest point of all,—I never knew any one in his position who succeeded better in exerting over his pupils a religious influence. Even those of them who were not personally brought under this influence, have expressed to me their sense of its value, and the great esteem which they entertain for him in consequence. As a teacher he has the great merits of patience, temper, clearness, and liveliness. There is a simplicity, freshness, and sprightliness about his powers of mind, which is very captivating to all who know him. His attainments are characterised by solidity and depth. The qualities which fit him for the government of a school are his moderation, soundness of judgment, and affability. His administration would be perfectly secure; cautious and yet progressive as regards real improvement.

"Mr. Cotton's views on the subject of religion will be best described by saying that he is a sound Churchman, taking a temperate and independent line on most of those questions which agitate and divide the Church. He is no partisan, and, therefore, cannot be described by any party name. Upon the whole I cannot doubt that, should you see fit to elect him, you will confer upon the cause of education in the country a very great boon." He adds in a postscript,—"I find I have omitted to name a fact of some importance, which is, that during the (very limited) period of my Head-mastership, the best scholars in the school have been pupils of Mr. Cotton."

' We cannot perhaps better close our extracts from the letters bearing upon the character of the late Bishop in connexion with his career at Rugby, than by giving at full length the testimony to his merits, signed by several undergraduates of Oxford, who had formerly been his pupils at Rugby, on hearing their former tutor was about to undertake the Head-mastership of Marlborough College. It is as follows:—

" We the undersigned, Undergraduates of the University of Oxford, and recently pupils of Mr. Cotton, feeling that we owe to him far more than any persons can do, except those who have been brought into the very closest connexion with him, beg respectfully to be allowed to add to his Testimonials a few words expressive of the benefits which we have received from his influence; and to state the qualities which in our opinion constitute his peculiar fitness for the Head-mastership of a great School.

" It is because we believe that many of Mr. Cotton's strongest claims to any high educational post rest upon those personal qualities whose working none have so closely seen, or can so thoroughly bear witness to, as his late and intimate pupils, that we beg of you not to overlook our desire of giving expression to very warm and strong feelings of his singular powers as an educator, which not to feel and express would be in us most ungrateful. Most of us were for many years in his house; all of us were his private pupils. We never hesitated to go to him in any difficulty; and we always found him ready and able to assist us; very kind, and very feeling. His singular candour and honesty of mind was appreciated even by boys; finding him always most willing to listen, most open to conviction, in all discussion simply desirous of truth, temperate and conciliatory, we rarely felt it could be wrong to abide by his very clear judgment. His evident sincerity and single-mindedness; his earnest love of all good, and willingness to acknowledge it wherever found; the Christian spirit that pervaded every action; his interest in the welfare of the School—the House—the individual;—too simple and unaffected to inspire mistrust or reserve,—made even the youngest that was brought into close contact with him respect him; while to the elder he was all that a friend and Tutor could be. Neither his friendship nor influence has ended with our school life; every renewal of intercourse, and very often and very happily has it been renewed, draws us more closely and more firmly to him; and looking back, we see that he did more for us than the great deal which we felt that he was doing then. Of his classical teaching we need say no more, than that it was unusually successful; but we would wish to express

“our sense of the intellectual good he did us, not only by great efforts in the regular classical routine, and the unusual and unsparing pains he took with our Private Tutor-work, for while checking all frivolous and superficial reading, he encouraged in every way the study of history and all modern literature that could give a solid knowledge. As a manager of boys he was strong and successful in opposing all oppression; indolence, insincerity, all that was unmanly or unchristian in every shape, he abhorred. It may perhaps be thought presumptuous in us to canvass at any length the religious teaching of any man, but whether it lays us open to the charge of taking too much upon ourselves, or not, we feel that it should not be left unsaid, that his was felt to be simple, scriptural, very earnest and sincere, and above all things, very effectual. We believe that none can speak more from knowledge of a Tutor’s powers of education than those whose education has but just passed out of his hands; and further, that no great school can find a better Head-master than the Master we have just left, the prospect of whose loss to Rugby we deplore as irreparable, in every possible manner and degree; and it is with grief that we reflect that a name hitherto so inseparably linked in our minds with all that we love in Rugby, may perhaps be connected with it no more.”

This paper was addressed to the Council of Marlborough College, to the Head-mastership of which Mr. Cotton was almost immediately afterwards elected.

Thus then, after fifteen years conscientious labour, ceased Mr. Cotton’s connexion with Rugby. Of the incidents of that connexion we have allowed others to speak;—head-masters, assistant-masters, parents, pupils, bishops, and dignitaries of the Church. These all, looking at the question from different points of view, have drawn, it will be observed, one and the same conclusion. Their united testimony points to the same earnestness and single-mindedness, the same manly sincerity and unselfishness, the same devotion to the instruction of the minds of others, by which his career in this country has been so strongly characterised. For the work which he was destined to undertake could there have been a better training? No dull sectarianism, no rancorous bigotry, no narrow-minded intolerance, are to be traced in any portion of his connexion with Rugby. On the contrary, the correspondence to which we have referred is brimful of testimony to his perfect freedom from such weaknesses; it indicates how thoroughly he understood in the entirety of its length and breadth and height what is comprehended in the meaning of the words *Christian Charity*,—that corner-stone and essence of the

Christian religion. To do good to all, to win,—not to drive or repel,—men to a sense of what is manly and good and true,—to support his admonitions by thorough consistency of conduct, improving himself that he might improve others,—these seem to have been the principles which he adopted at Rugby, to have constituted the system by a strict adherence to which he was enabled to do so much then, and,—when called upon to act in a wider sphere,—to effect so much more afterwards.

It is impossible to leave this point of Bishop Cotton's career without indulging in the reflections which a contemplation of it calls forth. What are the qualities which pre-eminently demand our admiration? Is it not that, independently of his natural and acquired talents, his powers of application, his clear and vigorous mind, he possessed the true humility of spirit, the consciousness that for all these acquirements he was only a greater debtor to Him who had bestowed them, the conviction that it was his chiefest duty to use them, therefore, for the glory of God and the welfare of others, which are the most distinguishing marks of the real practical Christian. There was nothing selfish, nothing grasping, in any of his aspirations. If he set forth his claims to the head-masterships of various public schools, it was because he felt, and others felt, that, trained as he had been in the school of Arnold, the most trusted adviser and supporter in the administration of Rugby of that great man, he, better than any one, was qualified to maintain that system at Rugby, or to cause it to germinate elsewhere. It was the noble ambition which prompts men, humbly conscious of the possession of certain talents, to seek a field in which those talents may be useful to their fellows. Men of this stamp do not stop to enquire whether their master is a hard master, reaping where he has not sown and gathering where he has not strawed, but, feeling their talents knowing that He has given them to be employed in His service, they dispose them to the best advantage; they lay them out so as to obtain for them that return which would be most pleasing to Him. Thus it was, that having, as a young man, deliberately chosen the line for which he felt himself most fit, and which he certainly regarded as the most important of all,—that of impressing on the youth of England at the most impressive period of their existence the full sense of their responsibilities, of early accustoming them to regard this life in a serious aspect,—he felt, notwithstanding that he had taken honours at the University, that it was his duty, whilst a teacher, still to continue to be a learner also. The Rev. W. J. Conybeare, writing to him in 1849, makes express allusion to this circumstance. "Those who know you," he writes, "are all a year

"that your qualifications in this respect (scholarship) are not sufficiently represented by your academical honours, high as they were; since there are few persons who have made so great advances since their degree as you have done." Dr. Vaughan, late Head-master of Harrow, makes a remark almost in the same words. To this untiring industry was due, probably, the appreciation of his scholastic acquirements by some of the greatest men of the day. But to our minds it indicates something far greater and higher than mere industry. It is but another illustration of that humility of spirit, which, to be useful to others, was content ever to be a learner.

With his election to the Head-mastership of Marlborough College, Mr. Cotton's responsibilities became greatly increased. The college itself had sunk to the lowest ebb of its reputation. To raise again an institution which has flourished, is, it is notorious, a task far more difficult than to impart vitality to a new institution. The one is oppressed with the weight of the bad reputation from which the other is free. Mr. Cotton however brought to this difficult task not only the great qualities which had distinguished him at Rugby, and the reputation he had acquired there, but, in addition, a peculiar power, as to the possession of which he had not been before tested, the power of wielding the chief authority. On the college the effects of his administration were soon manifest. The patience, the knowledge, the unflagging industry, the large and liberal views, the general sympathy with the boys, the high moral system, the manly tone, which had marked his conduct as Assistant-master at Rugby, were all brought into play with eminent success in the higher position at Marlborough.* Whereas the Head-master of

* In illustration of this remark we append an account, taken from a local newspaper, of the course pursued by Dr. Cotton at the outset of his administration of Marlborough School.

"Dr. Cotton came from Rugby to Marlborough the term after the rebellion. The report was that Dr. Cotton was a strict disciplinarian, and on that account had been chosen as Head-master of Marlborough College. Dr. Cotton's first appearance endorsed the report, but soon his mild punishments and quiet manners made us rush into the other extreme, and we unanimously set him down as a mild one, a good Head-master of a small school, but no match for a college of five hundred boys.

"A month or so showed us what Dr. Cotton really was, and accounts for his wonderful success as Head-master of Marlborough.

"He enlarged our privileges, punishments were much milder. Would the turbulent spirits be tamed and overpowered by his system? They were, how or why they themselves knew not. Strength may be met with strength. The power of inflicting pain may be baffled by the pride of endurance, but Dr. Cotton appealed to a faculty in the offender, the presence of which he had not been previously made aware, and it answered to the appeal. Its

Rugby had, as we have seen, remarked, that the best scholars of that school had been pupils of Mr. Cotton; so, within a few years of Dr. Cotton's installation, it was noticed at the universities, that the highest honours were carried off by those who had been educated at Marlborough. The reason was obvious. He applied to both schools the same system, but at Marlborough he wielded supreme power. It has been well remarked likewise* that he achieved even a greater success than this. As in Rugby he had impressed his own moral and manly character on his own pupils, so at Marlborough did he succeed in instilling into all his pupils the same lofty sense of his responsibilities. "He impressed," says the writer to whom we have referred, "on every Marlborough boy a character which distinguished him at the University as belonging to a class *per se*; as being a man in whom scholarship and gentlemanliness were united with a seriousness and loftiness of aim, which is not found in the ordinary public school undergraduate. Nothing so much astonished those who came to the University from other schools, as the almost filial respect and affection with which the alumni of Marlborough regarded their Head-master. Nor were the causes of this feeling difficult to discover. Even dons wondered when they heard that Dr. Cotton, when staying up at Cambridge previous to his embarkation for

"real existence therefore could not be doubted, or its reply rendered inaudible. "and the very strength of the wilder passions to keep uppermost, counteracted their own purpose by wasting in internal contest that energy which before had acted in its entirety on external resistance or provocation; an invisible power quitted them, a power which was irresistible, because it took away the very will of resistance.

"A wonderful healthiness of tone and feeling gradually crept into the college.

"Boys of the most different natures were keenly stimulated. None felt that he was left out and that no interest was taken in him, because he was not endowed with large powers of mind, every boy began to feel that there was a pleasure in doing work and in doing it well. Emulation was excited and maintained in every branch of play as well as work. Hence an indescribable zeal for college was created in very one. Each boy felt assured of Cotton's sympathy in his own particular talent, in striving to cultivate his own talent in whatever direction it might lead him; he found Cotton not only approving, but positively and sincerely valuing for themselves the results he had arrived at; that approbation and interest gave a dignity to both himself and his labour. Dr. Cotton's hold over his pupils was astonishing. There was no enthusiastic admiration for his genius or learning or eloquence which stirred within them, it was a sort of sympathetic thrill caught from a spirit that was constantly and earnestly at work, coupled with such true humility and simplicity, that others could not help being invigorated by the same feeling. All this was founded on the unfeigned regard Cotton had for work of all kinds, and the sense he had of its value both for the community at large, and the growth and perfection of the individual."

* *Friend of India*, October, 1866.

"India, preferred taking tea with an old pupil to being fêted by the authorities of the University.*

For more than six years Dr. Cotton occupied the position which he filled with such benefit to others. A higher office however, still awaited him. The death of Bishop Wilson in 1858 left the See of Calcutta at the disposal of the First Minister of the Crown. That Minister was the Earl of Derby, whose eldest son, Lord Stanley, the present Minister for Foreign Affairs, had known Dr. Cotton, and had received the advantage of his tuition, at Rugby. It was, it is believed, in consequence of Lord Stanley's representation of the peculiar fitness of his former tutor for the office, that the vacant see was offered by his father to Dr. Cotton. It was accepted, and in November 1858, the new Bishop landed in India.

For nearly eight years this country, and especially the three satrapies of Bengal, the North-West provinces, and the Punjab, enjoyed the inestimable advantages of the untiring supervision of Bishop Cotton. To sum up in a single phrase the spirit by which the exercise of that supervision has been chiefly characterised, we should designate it as the spirit of enlightened Christian Charity. This it was which enabled him, whilst holding fast to the tenets of the Church of England, to conciliate Nonconformists and even to win the respect and to gain the confidence of Hindus and Mahomedans. And yet it was a position altogether new to him. Bishop Cotton had had, so to speak, no parochial experience; his duties at Rugby and at Marlborough had indeed rendered it incumbent upon him to perform the services of the Church, and to preach sermons to his school-boy congregation; he had, there can be no doubt, watched with an eager and attentive interest, the various phases which Church questions have assumed during the last thirty years; but of practical acquaintance with Church Government he had had but little experience. Nevertheless, suddenly elevated to the position of a prince of the Church to which he belonged, and of that particular portion of the Church, which, located among a non-Christian community, occupies necessarily to a great extent the position of a Missionary Church, thereby entailing upon its head the most careful discrimination and the exercise of peculiar judgment and tact, Bishop Cotton showed himself as much at home in his new position as he had been as tutor at Rugby or as Head-master at Marlborough. The reason was that the principle which guided his conduct in his earlier career is a principle applicable to all stations, even to the

highest ; nay, not only applicable to the highest, but receiving from the highest the power of greater and fuller development. It was, in a word, by the exercise of that Charity which "suffereth long and is kind," which "envieth not, vaunteth not itself, is "not puffed up," which "doth not behave itself unseemly, "seeketh not her own, is not easily provoked, thinketh no "evil, which rejoiceth not in iniquity but rejoiceth in the "truth, which beareth all things, believeth all things, hopeth "all things, endureth all things," which, in fine, "never faileth," added to a zeal and energy in his Master's cause, such as would scarcely be surpassed, that Bishop Cotton succeeded in his administration of the See of Calcutta. He made it an essential portion of his duty to visit every portion of his Diocese, scanning with a keen eye the wants of each district, and devising the means by which those wants could best be supplied. In this view he advocated with all his energy a great increase to the development of the Additional Clergy Society. By his untiring efforts, stations, whose residents had long been strangers to the exercise of the rites and ceremonies of the Church, were provided with pastors. This, indeed, he ever regarded as a most important portion of his duty. To bring to all the opportunity ; not to allow it to be that in this heathen land Europeans should be shut out from the sound of Gospel truth ; he looked upon as essential. For this end by subscriptions, public and private, by exhortations and collections, by placing before the world the results of what had been accomplished, as well as of what remained to be done, he achieved wonderful success. The field however is yet far from being full ; the labourers still are comparatively few ; to Bishop Cotton, however, the development to which it has attained is mainly due.

In dealing with the clergy of his Diocese, he was particularly careful not to judge the opinions of other men by his own. Thus, though himself rather leaning to the opinions of the broad Church party, though by no means belonging to any party, he was tolerant alike of High Church enthusiasm and of the narrowness of Low Churchism. The Church of England allows, and rightly allows, play for the different ideas of the different minds within her communion, provided only the essential doctrines which she teaches are upheld. The charity, which was the foundation of the principles of Bishop Cotton, required therefore that he should not seek to restrict the views or actions of others by his own particular ideas, but should leave to all, within the bounds we have alluded to, complete freedom of action. Such a course of conduct must always be attended with the happiest results. For a man occupying the position of a

Bishop of the Church to claim for himself the infallible and absolute right of interpreting doctrines, which the Church itself does not infallibly define, is to claim a position, granted by Roman Catholics to the Pope, but utterly unknown in the Church of England. The policy of such conduct, even were it lawful, cannot likewise be too strongly condemned. Bigotry hardens and confirms, tolerance softens and induces to listen to reason. It was because he recognised this truth in all its fulness, it happened that during the incumbency of Bishop Cotton there was no ill-feeling amongst the clergy of the Diocese of Calcutta. On the contrary, upon all the example of their Bishop had a most salutary effect. Little asperities, caused by doctrinal differences, disappeared as if by magic, under that enlightened and tolerant sway. Nay more, such was the effect of his truly Christian administration that, to repeat a quotation we made at the beginning of this article, "the members of all Protestant communities in India looked up to the Bishop as their natural head." If indeed, as many of the present day believe, and as some earnestly strive for, the union of all denominations of Christians throughout the world be a possibility, sure we are that a result so desirable can only be obtained by pursuing the same course of Christian Charity in dealing with the various sects and denominations, such as characterised throughout the Church administration of Bishop Cotton.

But it was not to the carrying on Church government that the efforts of Bishop Cotton were alone directed. There was another and a most important subject,—a subject to which he had devoted the earlier and the best years of his life,—and which now called upon him for the exercise, on the largest scale, of all his energies. This was the subject of education. It is almost impossible to exaggerate the benefits which, directly and indirectly, he effected to this cause. In a recent article in this *Review* written by the Bishop himself on the subject of "Colleges and Schools in India," the great progress which has been made in the mere increase of schools and the transplanting of some of them to those hilly regions, where alone the offspring of Europeans can hope to survive, have been fully entered into. But in that article, full as it is in other respects, there is one subject to which the Bishop rendered but scant justice. We allude to the modest mention of his own services, to the faint allusions to that untiring energy which prompted all the recent reforms, through which alone, or at least, mainly, they have been carried out. So thorough, indeed, was his energy, so earnest his advocacy, that we confidently believe that his death will make not the smallest difference in the completion

of his schemes. The Boy's school at Mussoorie is, we believe, an accomplished fact, whilst for Bishop's School at Simla, the foundation stone of a building on a healthy and commodious part of the hill was laid during the present season by the Viceroy of India.

One effect of the visits made by the late Bishop to the various parts of his Diocese was to convince him that for one man, whatever might be his physical strength, the labours of superintendence were far too onerous. It was, it is well known, one of his cherished schemes that the Punjab should be severed from the Metropolitan See, and should be constituted as a separate Diocese. His views on this point were entirely assented to by Lord Halifax then, as Sir Charles Wood, at the head of the India House, and a Bill was brought by him into the House of Commons last year for the purpose of carrying the project into effect. The announcement of the scheme, however, seems to have struck alarm into a certain section of the supporters of the ministry, and as it seemed not impossible that malcontents might be strongly recruited from the opposition Sir Charles resolved not to run the risk of a second defeat on an Indian subject in one session, and accordingly withdrew the Bill. His views on the subject however remained unchanged, and it is understood that he contemplated a scheme by means of which the measure could be carried out without the necessity of asking Parliament for an allowance. The views of the Bishop on the subject were fully expressed in an article written by himself, which appeared in the April number of this *Review*.

One subject there yet remains to allude to, and that not the least important of those connected with his Indian career. We allude to his relations with the natives of India. The present phase reached even by the most highly educated among the astute Bengalees could not, in a Christian point of view, be entirely satisfactory to one, who, though most liberal in his ideas, was yet the Bishop of a proselytizing Church. It is, we believe, a fact that the educated natives of Bengal, whilst they have ceased to be followers of Hinduism, have not yet become Christians. Still halting between two opinions they show no disposition to embrace the religion of Jesus. On the contrary, the principal newspapers, published by them in the English language, though displaying remarkable ability, a great knowledge of the English language, a profound reverence for the arts and sciences of the West, show generally a contempt, often even a hatred, for the religion of the European fellow-subjects of the writers. To encounter them effectually

on the subject requires a knowledge of their own religion, such as can generally only be attained after a prolonged residence in this country. Skilled in the controversy, they oppose miracle to miracle, and ask the supporters of the inspiration of the Scriptures, proof as plain and absolute as that which assures them of their own existence. Such controversies are always barren;—nay, unless conducted with freedom from all passion, with perfect tact and temper, they invariably tend, not only to confirm the rationalist in his views, but in embittering his feelings against the doctrines of the Christian disputant. Now, it may not have been, in the strictest sense, a part of the duty of a Bishop of Calcutta to enter into subjects of this nature. Still it would have been impossible for a man like Bishop Cotton, possessing a strong sense of duty, and recognizing his position as Chief of a Church, which, if true to itself, must always be proselytizing, altogether to avoid the question. Yet, in the mode in which he took it up, he displayed to an eminent degree his tact and knowledge of mankind. Many years have passed by since the confidence of the natives of Bengal was gained by any European gentleman so completely as by this Christian Bishop. And this, not in consequence of any derogation on his part from the duties of his high office, but because his intercourse with them, like every other course of action he attempted, was based on the widest Christian Charity. If he could not on this field show great results, he was wisely content to hope all things. Instead of provoking the Hindu to barren and profitless controversies, he was content to let him see the results which Christianity produced, to set before him its effects upon the life and character of individuals, and through them on the life and character of a nation. His desire was to prepare the minds of the natives for the reception of Christianity, to train them up to feel that the soul has aspirations which mere rationalism can never satisfy. His was the seed sown by the wayside, and we may at least hope that all of it did not fall upon stony ground or among thorns.

But, however that may be, there can be no doubt as to the appreciation in which the Bishop was held by those who were not his co-religionists in this country. The feeling amounted indeed to something more than common regard. We never met an educated native who did not speak of the Bishop with respect and affection; not one who did not appreciate to the full his kindly manner, his large heart, his warm sympathies. The reception he met with at the last meeting of the Bethune Society in April of the present year, was enthusiastic and respectful. The lecture which he then gave, having for its

object the encouragement of female education, was warmly received, and so much appreciated that a proposal was made and carried to print it. It was his last appearance in that Society, and we are confident that its members will cherish the recollection of it with mingled affection and regret.

We have now completed our task. Imperfect as it is, it may yet serve to bring more vividly before the public of India, both natives and Europeans, some idea of the man we have lost. The knowledge of his worth, his excellence, his devotion to the cause of education and to the good of his fellow-men, may at least serve to indicate to his successor the line in which much yet remains to be achieved. His loss we cannot but regard as irreparable. Even though his successor be all that can be desired, it will be still impossible to look back without regret,—bitter and heart-felt regret,—upon the loss of Bishop Cotton. His sudden death, cut off as he was in his prime, in the midst of his career of usefulness, has caused a feeling of general mournfulness throughout India, which the mention of his name and the recollection of the great things he was contemplating, cannot fail constantly to recall. Still as his life was a pattern and example to all, influencing thousands for their advantage, it is possible, we think, that his death may not be without effect upon even the most indifferent among the community. Cold and callous must be the man who cannot deduce some profitable reflection from the contemplation of that pure and spotless life, that unselfish devotion to duty, that untiring energy on behalf of others. His was the white plume, ever foremost in the good fight of faith, which it becomes every Christian to labour to follow. And not alone every Christian. That which is to them a natural duty, will come, we think, with advancing time, to be regarded by the natives of India as a sign and beacon in the distance, towards which it will be their privilege to shape their now wandering course. We may be sure at least that when they talk, as talk they do, of Englishmen, they will never mention without respect and affection the name of the late Bishop. Nor will it be possible for them to recall that name without recollecting that bright example he set them during his lifetime, that noble charity which drew their unconverted hearts towards the Bishop of the Church. Thus then, let us hope that his spirit may live amongst, and his example animate his, fellow-men, so that all may yet, in some happy time to come, natives as well as Europeans, acknowledge and rejoice in the debt of gratitude under which India lies to Bishop Cotton.

ART. IX.—*Report on the Village Watch of the Lower Provinces of Bengal.* By D. T. McNeile, c.s., Magistrate on Special Duty.

OF all the questions which have perplexed successive Governments, few perhaps have been more important or more beset with difficulties than the one which forms the subject of the volume now before us,—the reform of the village police.

The question is important primarily in its bearing on the preservation of order, and the successful administration of penal justice throughout the richest and most populous tract of our Indian Empire; and secondarily as involving a trial of strength between the Government of the day and the aristocracy which owes its title to the permanent settlement.

The importance of the functions which ought to be discharged by village watchmen cannot be estimated without reference to the conditions existing in India, as distinguished from those which obtain in England. At home the prolonged enjoyment of Christian civilization has implanted in the mass of the people an earnest love of justice for its own sake. If a murder be committed, the circumstances are eagerly reported, and become the topic of conversation through the length and breadth of the land. Every one who has or thinks he has any information likely to lead to the detection of the criminal, comes to the assistance of the police; the higher the position of the person suspected, the more is the national desire for justice aroused; the darker the veil of mystery which wraps the offence, the more eager is the public that the truth should be elicited. Nay more, our citizens band themselves together in private societies for the detection of thieves, the prosecution of forgers, and the protection of women and children. In short, the nation loves the law, and warmly aids the civil power in enforcing it.

In India, on the other hand, the law is often alien and distasteful to the people, and therefore fails to secure their co-operation. Unwilling to aid in the infliction of the severer penalties of the law, and especially reluctant to sanction the taking of life, albeit in just retribution, they solace themselves

with the idea that to defeat justice, is an act of mercy, and that if the murderer be doomed to meet the fate of his victim, the sum of suffering, and therefore of evil, is increased.

Besides this, the villagers of this country value very highly the privacy of their homes, and jealously resent the intrusion of the police; especially if their investigation has for its object some offence which touches the domestic concerns and family honour of one of their number.

Even if they be indifferent to the result, they cannot forget that the progress of the enquiry itself is marked by many annoyances. The necessity of attending before the police; the prospect of having the Inspector with his staff billeted for some days on the village; the fear that pressure may be used to induce them to disclose even that which they may not know; or that they may be compelled to give false evidence for the sake of completing the case for the prosecution; and finally the dread of being obliged to leave their fields and travel long distances to give evidence first in the court of the Magistrate and then before the Judge, with the certainty of being subjected to harassing examination, and a chance of being finally committed for, and convicted of, perjury; are evils which the villagers are generally only too happy to avert by a mere concealment of the truth. If we turn from the detection of crime to its prevention, it is evident that the police will be kept, if possible, in ignorance of any impending riot, for the reason that breaches of the peace are generally committed for the advancement of some object in which the whole community is interested.

The influence of the landholders is likely to be adverse to the police. Too often, it may be feared, they are the patrons of the criminal and the abettors of the crime; even if they have no prior concern with offenders, they will not court the diminution of their own power; and doubtless some few actually receive money in consideration of screening the guilty.

Nor are the landholders likely to be restrained by the fear of legal responsibility. Probably, in nine cases out of ten, their endeavours to conceal crime will be entirely successful, and in the tenth it will not be possible to obtain conclusive evidence of the part which they have taken.

These considerations prove the vital importance of securing for every village some person whose duty and interest it shall be to give early notice of all designs to commit heinous offences, who shall after the commission of an offence arrest the supposed criminal, preserve the body of the murdered man, the lethal weapon, or any other real evidence of the crime, and give due notice to the regular police.

They also show that it is idle to hope for improvement in the watchman as long as the influence of the landholder and the villagers is more powerful than that of the guardians of law and order.

At present the landholder holds an unlimited influence over the watchman. He not only nominates him and practically enforces (as far as it is enforced) the payment of his scanty wages, but also collects the rent of the land which is held by the relatives of the watchman; while in many cases the latter is himself a cultivator. Nor has the Magistrate the power of dispensing such rewards and punishments as shall out-weigh the adverse tendency of local influences. He cannot enforce the payment of the watchman's salary, for the law has given him no authority to do it; nay more, he has been strictly prohibited from interfering to recover it, whether it be payable in cash, kind, or land. We are aware that most Magistrates rather than allow their districts to fall into complete anarchy, have exercised in this matter a vigour beyond the law, and harassed the landholders until they should secure to the watchmen some measure of justice. This arbitrary interference, however, has been in our opinion not more illegal than impolitic, since it has rendered possible the repeated postponement of genuine reform; and certainly cannot be viewed as any defence or palliation of the present system.

Can the Magistrate offer such advancement as may prove an incentive to honest exertion on the watchman's part? no; the utmost he can bestow is a constable's baton, which the watchman does not covet, since it would remove him from his village and its associations, and subject him to a semi-military discipline. Moreover, the watchman, if young and strong, might probably be enrolled as a constable for the asking. Even were this otherwise, it is impossible that even the most energetic Magistrate should be sufficiently familiar with the character of each watchman in his district to dispense promotion with effect.

But it will be said that the Magistrate has at least the power of fine and dismissal. In theory he has; but in practice he cannot fail to see the absurdity of fining a servant whose income is so trifling and precarious as to be beneath contempt; as well as of dismissing a person whose son or brother would probably be nominated to the vacant post, on payment to the Police Inspector of the usual *douceur*, four annas or a kid!

The elevation of these watchmen to the standard of independent police officers, is the problem which has remained unsolved for two generations.

The difficulties in the way of this reform are in themselves considerable, and have appeared the more formidable because of the foregone conclusions with which successive enquirers have approached them.

It is necessary either to convert thieves into honest men, or to turn the thieves out and induce honest men to take their places; to secure persons who shall possess an intimate and complete acquaintance with the locality and yet be tolerably independent as well of the landholders as of the cultivators; to provide them with an income sufficient for their support and liberal enough to make them dread the loss of their appointments; and at the same time to keep faith with the existing watchmen, the villagers, and the landholders.

The last condition is, no doubt, the one which it has always seemed most difficult to fulfil. The village watch appeared to exist universally; and was generally supposed to be, in all its essentials, one and the same institution. But there was no evidence in an accessible form to show what the rights of the parties concerned were; and consequently no means of readily ascertaining whether those rights were the same in various districts, and whether a single measure could be devised which should be applicable to the whole of Bengal.

In such uncertainty as this the Government with reason shrank from any attempt at legislation on the subject; and it is possible that action might have been still further postponed, but for the introduction throughout Bengal of a uniform system of semi-military police.

It was soon found that the new and the old could not be harmonized; and that where the old *barkandaz*, by dint of years of residence in the same station, and personal knowledge of the villages, was able to obtain some sort of result from the village police, the newly appointed constables could do little or nothing.

In this difficulty the Government of Bengal adopted the expedient of appointing an energetic young officer to collect information from local sources and official records; to enquire into the existence and character of all rights vested in the landholders, the village communities and the watchmen themselves, whether by ancient custom or by legislative enactment; and to embody in a draft Act the reforms which he might recommend.

The appointment of a Commissioner for the prosecution of the enquiry, and the selection of the officer to whom it was entrusted, have been amply justified by the result. Mr McNeile has collected and arranged in a most convenient form nearly all that can be learnt concerning the village watch in the various tracts of Bengal, Behar, and Orissa, discussing its origin and tracing its

history down to the present day, and finally treating of the measures to be adopted for its reform.

He begins by proving that it is only in the western districts of Bengal and in Orissa, that the watchman, remunerated by a grant of land, is really a remnant of the ancient village system, and that in the eastern districts the existing watch has been introduced by our own Magistrates at various and comparatively recent dates.

This position is established, as far as the eastern districts are concerned, by official records of the first organisation of the watch. It is thus shown that the impression which has prevailed respecting the character and antiquity of the institution is, as far as these districts are concerned, wholly erroneous.

Mr. McNeile states that in ancient times the inhabitants of a village in the character of a municipal corporation set apart a portion of land from each holding for the maintenance of the watchman; and hence argues that the "village watchman from the earliest times, so far as his proper duties as a watchman are concerned, has been a public servant holding his office under the Government of the country, whatever form that Government has assumed."

That, on the establishment of the Muhammadan power, and the appointment of zamindars, the village communities lost their municipal character, and the watchmen were merged in the establishment of the zamindars, but continued to perform their proper duties.

The decennial and permanent settlements declared the lands held on tenures based on public and private service to be liable together with the rest of the estate for revenue; that is to say, the lands were not to be themselves assessed at any money rent or revenue, but were, on the default of a proprietor to pay the revenue assessed on the rest of an estate, to be transferred to the purchasers under the Government, subject to their former liens.

In accordance with this principle, the settlement officers on the one hand excluded these lands in estimating the Government revenue; and again in estimating the costs of collection "*allowed the Zamindar a proportionately smaller deduction in consideration of the fact that the services of the occupants of the chakeran lands were still at his disposal for the collection of his rents.*" P. 12.

Here we are in some doubt as to the author's meaning. It is only reasonable that the proceeds of watchman's land should have been left out in calculating the gross rental of a village, inasmuch as those proceeds never came into the hands of the

landholder. It is also obvious that as the landholder had neither responsibility nor cost of collection to sustain, in reference to these lands, so he had no right to any deduction or to any allowance by way of profit on their account.

But if we are right in supposing Mr. McNeile to state that after computing the gross revenue to be collected by, and deductions therefrom to be allowed to the zamindar without reference to the service lands, the Government added to the nett revenue payable a sum representing the services which the village establishment (*including the watchmen*) rendered in collecting the rents; then we think Mr. McNeile should have given us a full *précis* of the evidence establishing the fact. This is the more necessary as the writer has offered no proof of his statement (p. 6.) that the watchmen were employed in duties connected with the collection of revenue.

Assuming, however, the correctness of Mr. McNeile's history of the rent-free lands, we must agree with him in his conclusion that the State acquired a direct lien upon the lands to the extent, represented by the public service due from the occupants; the zamindars being left in possession of a lien proportionate to the private service still owing to them by the same occupant.

We are aware that a measure of support is afforded to this view by the decision of the Privy Council on the appeal of Babu Jái Kishn Mukarjya.

But it must be remembered that the judgment in that cause is only to a very limited extent susceptible of general application. It refers definitively, on the face of it, only to the zamindari of Burdwan, and recognises only such private services as by usage in that zamindari, chaukidars have been accustomed to render to the landholder. And we believe from personal experience, that in the western districts the watchmen do not usually render private service to the landholders; such service, as far as it relates to the collection of rent, being performed by the *baráhil* and *gorait*.

We trust therefore that in any measures which may be adopted in the nature either of legislation or of private arrangement between Government and the zamindars, the onus of proving the nature and extent of any lien upon the service-lands for assistance in the collection of revenue may be thrown upon the zamindars.

Mr. McNeile states his conclusion more fully in the following terms:—"The village watch of Bengal, so far as it is directly or indirectly supported by grants of land has always been *quoad* the public service required from it, maintained solely and

“exclusively at the expense of the State and not of the land-holders.”

We are unable to reconcile the statement “that the watchman, as far as his public service goes, is maintained exclusively at the expense of the State,” with the fact recognised by Mr. McNeile that the land, set apart for the support of the village watchman was composed of small lots separated from the holdings of the villagers; though it is true that the Government, by waiving its claim to revenue on the watchman’s lands, has largely supplemented the provision originally made by the village community.

In this view, and failing proof of the claim of the landholders to the fiscal service of the watchmen, we should so modify Mr. McNeile’s conclusion that it would stand thus:—*“The village watch of Bengal, so far as it is directly or indirectly supported by grants of land, has always been maintained at the joint expense of the State and the village communities, and not at the cost of the landholders in any manner whatever.”*

Mr. McNeile’s 39th paragraph contains so full an exposition of his views that we quote it in extenso.

“The general conclusions arrived at in the preceding paragraphs may be thus shortly recapitulated. They are, *first*, that the village watch of Bengal is a body of public officers, a large number of whom are also dependent by law upon the landholders as their private servants;—*second*, that the class bearing this double character are confined to the Divisions of Patna, Bhaugulpore, Burdwan, Cuttack, and a part of the District of Moorshedabad in Rajshahye; and that throughout the rest of the Rajshahye Division, and the entire Divisions of Nuddea, Dacca, and Chittagong, the watchmen are solely Government officers;—*third*, that the chakeran lands held by the village watchmen in the Patna, Bhaugulpore, and Burdwan Divisions are proportionally hypothecated by the terms of the permanent settlement for the double service required from their occupants;—*fourth*, that those occupants have no right to retain possession of their lands without payment of rent, after the double service for which they have been assigned is remitted;—*fifth*, that of village watchmen in the Patna, Bhaugulpore and Burdwan Divisions, who are not in occupation of service tenures, such as are entirely supported by their fellow-villagers, are public servants only, like the watchmen of the Eastern Districts, and such as are really supported by the landholders are liable for the double service due from the holders of service tenures;—*sixth*, that duties owed by the watchmen to the residents of the villages in which they are employed, as distinct from duties

"owed by them to the State, are mythical ;—*seventh*, that the "whole expense of the village watch of the country, *quod* their "Police duties, except in so far as certain chokidars in Behar, "now really supported by the landholders, are not true representa- "tives of former occupants of service tenures, is and has been "practically borne by the State and by the people at large, and "in no degree by the landholders."

From these conclusions we differ, as we have already said, only to the extent of questioning the claim of the landholders generally to exact private service, and holding that the cultivators have, even in the Western Districts, contributed to the support of the watch.

Mr. McNeile proceeds to draw from his conclusions certain further deductions. He holds that "the landholders, as such, "are not and never have been bound to maintain village watch- "men."

This view is wholly opposed to that maintained by Mr. Hobhouse, Legal Remembrancer, whose argument, as quoted at length in the report, is briefly this :—"The law recognises the "right of the landholder to nominate the watchman ; therefore "the law imposes an obligation to nominate ; therefore the law "imposes an obligation to maintain."

We entirely agree with Mr. McNeile in thinking this argument inconclusive for the reason that the second position is not certainly deducible from the first.

But we may consider Mr. Hobhouse's argument inconclusive without holding that his opinion is wholly incorrect ; nor does it follow that we should accept Mr. McNeile's deduction above quoted.

Our own view is this : that there is no provision of law binding the landholder either to nominate or to maintain the watchman, but that the right to nominate, recognised by Regulation XX of 1817, and also the "general obligation" to nominate and maintain, asserted by Mr. Hobhouse, are real, and derive their existence partly from the original position of the landholders as officers of police, and partly from their responsibility as collectors of revenue.

For, as Mr. McNeile has remarked, the village communities lost their municipal character from the time that the zamindars entered on their fiscal and criminal duties ; this being the case, we may safely assume that the obligations to nominate and superintend the watchman were transferred to the zamindar as police-officer. And it appears to us that the existence of this obligation was recognised in the Decennial and Permanent Settlements, under which the service-lands (to quote again the judgment of the Privy Council cited in the 11th page of the

report). "were to be included in the malguzari lands for the purpose of securing the assessment, because, in the event of a sale upon default of payment of the assessment, it would be important that they should be transferred to the purchasers under the Government, with whom the appointment of the person, whose duty would in part be to attend to public interests, would rest."

In short, the zamindar was held responsible for collecting the whole rent of the malguzari and service-lands; the rent of the service-lands being, as Mr. McNeile has said, the service; and for rendering to the Government a certain portion of the money-rent and the entirety of the service-rent; the two together being in fact the revenue.

This responsibility however ancient and reasonable, it has never been possible to enforce by legal means, no penalty having been affixed to its neglect.

Whichever view be the correct one, no practical difficulty appears likely to arise; since it is abundantly clear that the zamindars have in no case the right to derive any profit from the lands. They cannot therefore complain of being relieved of a barren duty and responsibility, should the public interest require it.

The remaining deductions drawn by Mr. McNeile are expressed in the following paragraph. (No. 47 of the report.)

"The *second* deduction which may be drawn from the conclusions already arrived at, is that the State has long saddled itself with an expense in the Western Districts with which, in the language of the preamble to Regulation XIII, 1813, it is just and expedient that the communities for whose benefit and protection an establishment of watchmen is maintained should be charged,—an expense which has long been actually borne by the inhabitants of the Eastern districts. The *third* is that measures may therefore be equitably taken to establish a village watch, on any principle that may be thought advisable, in the Western districts, at the expense of the people at large, independently of any course that may be adopted for the treatment of the chakeran lands and their occupants. The *fourth* deduction is that the course to be adopted in respect to the chakeran lands is a matter of private agreement between the Government and the landholders, neither the occupants nor the village residents having any voice in the matter."

If our view be correct, these deductions must be modified precisely in so far as the original contribution of land by the villagers now forms the maintenance of the watchmen. If it be proposed to assess the villagers they will be entitled to point

to the service-land and say, we have already set apart a portion of our holdings; but for this, our tenures held formerly, it is true, by a less secure title than at present, but still held and enjoyed by us, would have been at this time more valuable; in assessing us therefore, the value of our own contributions should be credited.

We believe there would be no difficulty in carrying this out in practice. The service-land might be assessed at the average rates of the village, and settled with the zamindar on the usual terms; the tenant-right to hold in perpetuity at the same rates might be sold by auction, and the proceeds be credited to the village, the interest being applied in diminution of the assessment.

Thus the Government revenue would be secured, and the villagers would receive the fair value of their ancient contributions.

Where the service-lands are no longer distinguishable, we do not see how Government can recover revenue on their account, or the villagers obtain a diminution of the assessment; since Government never took charge of these lands, and if the villagers have allowed their ancient contribution to be made away with, they must clearly contribute again. Where, however, the service-land is indistinguishable, but the landholder admittedly pays the watchman in consideration of having appropriated it, he ought evidently to pay the sum towards the assessment in perpetuity, subject to any claim that Government might be able to establish on account of the revenue of the appropriated land.

Having completed his valuable *resumé* of the history of the institution, and drawn from it the conclusions already discussed, the author proceeds to point out in the most forcible manner the absurdity of the course pursued by successive Governments in maintaining the responsibility of the landholders in matters of police, but at the same time divesting them of the authority which could alone render that responsibility legitimate.

He writes—"There are but two ways of dealing with this *imperium in imperio*; the one is to subvert it; the other is to recognise, confirm, and work through it."

He then discusses, as if labouring under some kind of compulsion, the possibility of retrograding by the space of fifty years, and again placing the agents of the landholder at the head of the village police. But he avows with the utmost confidence his own belief, that the only course which can be legitimately adopted by a strong and an enlightened Government is to sever at once all connexion between the landholders and the police. And we cannot imagine that any candid reader

of the Report before us can for an instant hesitate between the alternatives described.

But there will be difference of opinion as to the measures which ought to be put in force for the organisation of the village police, and for the collection of funds for their support.

The author's scheme is briefly this: to abolish *in toto* the existing village watch; to appoint Chaukidars, not to villages, but to circles or beats including their own and other villages, all of which must be visited during the twenty-four hours; to control them through Sirdars on higher pay, who should be stationed at a convenient point for receiving the reports of the policemen; and thus by a partial sacrifice of local knowledge, to secure a maximum of independence. Their pay will of course, in accordance with the principles already advanced, be defrayed by the communities protected.

We must here remark that the position of the policeman will be essentially altered. He will no longer be held responsible for the impossible duty of guarding from sunset to sunrise a village of half a mile in circumference, or (as in many places at present) three villages a quarter of a mile apart. He will not be bound, according to the time-honoured stereogram of a robbery case in Bengal, to appear on the scene at the precise moment of the offence, and arrest two or three lusty robbers single-handed. He will not be always at hand, to guide to the next village the Assistant Superintendent of Police belated on his return from some enquiry, and to point out the yawning wells which threaten to swallow up man and horse together. He will not be available to watch the Magistrate's encampment at night; nor will he in time of harvest sleep with one eye open at the village threshing floor. But it may be hoped that with more to gain and more to lose, he will do his duty without first taking orders from the landholders; that he will not await the concrementation of the corpse before giving notice of a murder; that he will report an intended riot in time to prevent it, and not merely on the defeat of the party which he himself espouses; that giving a fair day's work for a fair day's wages, he will have no leisure for intsiguing with robbers and cattle-stealers.

But we do not think that in changing so radically the duties of the village watchman, his present name should be retained. A chaukidar is "the keeper of a post," which the new official will not be. With reference to his duties, we should prefer to call him in English "patrol," and in Urdu "gashti." This is the only Urdu word we know which fairly renders the English 'patrol.'

The headman might appropriately be called Jama'dar; and as the old Thana Jama'dar has given place to the modern 'Hid' no confusion would arise from the use of the term.

In any case it is to be hoped that the infliction of an English term may be avoided lest it degenerate; as "constable" has become indifferently 'kanbishtil,' 'ishtibil,' and 'ibil.*

The assessment of the inhabitants "according to their position in society and means of livelihood" appears reasonable; nor do we know any agency by which it can be as well carried out as by the proposed *panchayat*. The proviso wholly exempting all persons who are unable to pay one anna per mensem, will relieve the poorest inhabitants without unduly burdening the rest, and will greatly diminish the number of appeals.

The XXIVth Section of the Draft Act contains the author's scheme for collecting the sums assessed. He proposes to levy the total amount less two per cent. from the landholder giving him authority to recover the sum from each inhabitant as an arrear of rent. The plan is no doubt convenient, and highly economical; but the idea of making the landholders, against their will, the gatherers of a new tax appears arbitrary and oppressive; and we cannot suppose that the provision embodying it will ever become law.

Still less defensible is the proposal to make arrears of payment on this account leviable by the process prescribed for the realization of arrears of land revenue; in other words, by the sale of the defaulting proprietor's estate. To levy the tax from the landholder at all appears extremely inequitable as the debt is none of his. But to render a permanently-settled estate liable to summary sale for the recovery of any sum other than that for the payment of which it is under the terms of the settlement hypothecated, would be nothing less than a breach of public faith:

It would probably be the best plan to entertain an establishment to collect the tax in some such manner as the following:—an Amin should be told off to a certain number of circles, and should give to the Sirdar, or as we would call him. Jama'dar of a circle, notice of his intention to be at the guard-house on a certain day to receive payments. The patrols would give due notice to each village in the circle. After the day fixed for payment, the Amin might, with or without further orders from the Magistrate, proceed to levy

* Possibly the first syllable has been dropped to avoid the mauvais compliment implied in associating the constable with the Herod of the Prem.Sagar.

the arrears with costs by distress and sale of the moveable property of each defaulting resident. The scale of costs should be fixed sufficiently high to defray the expense of the collection of the arrears, and at the same time to operate as a penalty on defaulters. It might advantageously be left in the discretion of the Magistrate to direct the levy of costs equal to, or double, or treble the arrear, as the recusancy of the inhabitants of the circle should require.

We would, however, by the grant of a liberal commission encourage landholders and other influential inhabitants to raise the sum leviable in their villages by private arrangement, and pay them into the District or Sub-divisional Treasury; and we are of opinion that the inhabitants would freely avail themselves of this permission, if only for the sake of averting the Amin's visit to their village.

Appended to the General Reports are Special Reports on those districts, in which the existing village watch presents features of peculiar character; but it is not necessary to dwell on these, as the local differences offer no obstacle to the introduction of the system advocated by Mr. McNeile.

In conclusion we must congratulate Government on the very valuable body of evidence collected, and on the logical and lucid manner in which that evidence is arranged; nor can we omit to notice the classical English in which the report is framed.

Whether the precise plan recommended by Mr. McNeile be adopted or not, we trust that the liberal, independent, and statesman-like principle of action which he has laid down may be made the basis of legislation; and that ere the departure of Sir Cecil Beadon we may see inaugurated a measure worthy of the Government which has already, by the abolition of the vernacular record, initiated a policy which will gradually but surely purify the civil, as it has already purified the criminal, tribunals of Bengal.

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SHORT NOTICES.

The Claims of the Poor. An Address delivered before the Ooterparrah Hitokorry Shova, the 29 April, 1866. By Koylas Chunder Bose. Calcutta, Stanhope Press.

THE author of this address is, if we mistake not, the able and indefatigable secretary of the Bethune Society. To see him come forward in the noblest of all causes,—the cause of the poor,—is calculated to make those hope, who had begun to despair of the effect of education upon the natives of this great country,—for it is a striking proof of one, at least, of the tendencies which that education produces on the gentle nature of the Hindoo who may submit himself to its influence.

The occasion of its delivery appears to have been most appropriate. The Hitokorry Shova,—it may be new to some of our readers to learn,—is an institution founded at Ooterparrah, one of the suburbs of our metropolis, in 1863, the object of its founders “being to educate the poor, to help the needy, to clothe the naked, to give medicines to the sick, to support poor widows and orphans.” A nobler object, more in keeping with the true tenets of the Christian religion, has seldom instigated the establishment of any institution, and the last report of it shows that those who saw the evil they wished to reform, were prepared also to come forward manfully in its support. It is surely a gratifying feature in the history of Anglo-India to find Hindoos not only recognising, but acting upon, the great principle of institutions for great and benevolent purposes, not dependent upon any State grant, or the patronage of an illustrious name, but relying solely on their own energies and public spirit. It is surely a consoling fact, to see Hindoos banding themselves together for this sacred purpose,—not with the view of parading their charity in the sight of men, but of giving, unostentatiously, that generous aid and beneficent assistance, of which their countrymen

most stand in need. The address, which forms the heading of these remarks, was delivered by Baboo Koylas Chunder Bose on the 29th April last, the occasion of the anniversary of the *Shooka*. It would appear to have been the object of the speaker to place before his audience the great benefits accomplished by the institution, even during the short term of its existence, as well as the greater benefits which it would be capable of accomplishing, if it were supported by the millionnaires amongst his countrymen. The blessings of education, more especially of the education of the poor, are most emphatically dwelt upon. To the existing popular ignorance he attributes the existing popular degradation. The ryot is a slave, because he is ignorant of the means by which the fetters that bind him down are forged. He calls upon the zemindars to set the example in removing a state of things, which really tends more to their disadvantage than to that of any other class. He points out that a system, which would enable the peasant to discriminate between right and wrong, must in the end be advantageous to the employer. To the employing class, to aid by their subscription and example, he emphatically appeals.

We have ourselves read the lecture with the greatest pleasure. It is admirable in style, and excellent in its moral tone. Baboo Koylas has set an example which, we believe, his countrymen will imitate, and has made an appeal to which, we fervently hope, they may respond. The events of the late famine have shown that on occasions of real necessity, no class press more strongly forward in charity than those natives of Bengal, to whom, to use the words of the lecturer, education has shown how "to discriminate between good and bad, between right and wrong." The concluding words of the address will give a specimen of the spirit which animates the whole :—

"I shall touch upon another point before I conclude. From the able-bodied poor and the able-bodied destitute, the mind naturally turns to those whom God intended for the highest purposes of life, but whom the accident of misfortune has cast upon society as an encumbrance. The sick, the decrepid, the deaf, the dumb, and the blind are objects of tender solicitude. Already stricken down by the hand of Providence, their poverty intensifies their suffering and turns life into a burden. To them relief is due not only on the principle which governs the distribution of public relief funds among the able-bodied destitute, but on a higher principle, *viz.*, that of giving them with an unstinted hand, with a view that their position may be made as comfortable as it is possible for one

"man in the full possession of his active powers and organs to make for another who is destitute of them. Charity in their case cannot be reduced to regulation limits. 'To whom much is given, of him much shall be required.' But what are the arrangements in our country for helping these pitiful objects? They are, like all mendicants, left to casual charity. They besiege our doors, they pitifully cry in our public streets and thoroughfares, and we send them away sometimes with a small coin, sometimes with a threat to call the police upon them for unlicensed begging. God help us from licensed beggars! If the necessity for an organised charity is more needed in one case than in another, it is in the case of the *disabled* destitute whom I have introduced to your notice. Their number cannot be large, though I have not the requisite data upon which to calculate the proportion they bear to the able-bodied of our country. But be their numbers what they may, the founding of hospitals and asylums where they may be cared for, is pointed to as a duty which should take precedence before all works of charity. Our millionnaires and billionnaires, Rajahs and Maharajahs, Ranees and Maharanees have spent a great part of their wealth in temple endowments, in ghâts and sanctuaries. But can we call to mind a single instance of an endowment for the relief of the disabled destitute? I for my part am not aware of any, and shall be glad if some one of my audience here will either rectify or ratify my impressions on the subject. But I do fervently hope that the Hitokorry Shova is already acting upon the principle, which I have hinted at for the consideration of those who may act independently of you, and who may now or hereafter seek objects upon which to bestow their charity.

"I have thus, Sir, most imperfectly, though sincerely, endeavoured to say a few words in behalf of the Hitokorry Shova. If my ability had been equal to my wishes, I would more worthily have performed the duty which your kind confidence entrusted to me. But my prayer is, that every one connected with this Association will do his duty in the respective sphere he is called upon to occupy. Great is his responsibility, and in proportion to its greatness he will meet with his reward. There are dangers and difficulties with which good works are always beset; but they vanish like breath on the polished mirror when confronted by virtue, fortitude, and endurance.

"Let us, then, be up and doing,

"With a heart for any fate;

"Still achieving, still pursuing,

"Learn to labour and to wait."

A General List, being a Compendium of Native Implements and Industrial Articles, Agricultural Produce, and Manufactured Goods, anent the Paris Universal Exhibition for 1867. By Raja Kali-Krishna Bahadur, C.J.P.F.C.U. Calcutta, Stanhope Press, 1866.

To the students of the Bengalee language this would always be a most useful hand-book. Issued as it has been twelve months before the great Paris Exhibition, we may regard it as a timely publication, forming a link between the actual exhibitor and those whose craft and handiwork he displays. We congratulate Raja Kali-Krishna alike on his design, and on the completeness with which he has carried it out. We sincerely hope the English portion of it will be translated into French. This is the more desirable as the inspection of the list of articles, some of them very curious, stimulates the wish to see the articles themselves.

The Raja's object in preparing this list we give in his own words:—

"This list of Articles of Art and Agriculture, produced in the Nuddea Division, was prepared at the request of the Divisional Committee for the purposes of the Paris Universal Exhibition to be held in 1867, and is published for the use of exhibitors and those who take an interest in the antiquities of India, and the manners and customs of its inhabitants. An Appendix arranged alphabetically has been subjoined.

"In preparing the list I have kept in view the two objects of the Exhibition pointed out in the Committee's Circular; viz., first—by exhibiting samples of raw produce or of manufactured articles of superior quality or workmanship to attract foreign purchasers into the Indian market, and thus extend the trade and commerce of the country; secondly—by showing the natives of Europe the rude stage at which certain arts and manufactures have arrived in the country to induce importations of superior and cheaper articles, and thus promote the welfare of our fellow-countrymen. If this list prove of any use to intending exhibitors or capitalists, I shall feel amply recompensed for my labours."

We are confident that these objects will be attained, and that the Raja "will be amply recompensed for his labours."

The Company and the Crown. By the Hon'ble T. J. Hovell Thurlow. William Blackwood and Son. Edinburgh and London, 1866.

ALTHOUGH the author in his preface informs us that "the title chosen tells its story for itself," it has been found necessary,

we observe, to advertise this book by a different name. Yet he who is led thereby to expect to find in the present volume any elaborate exposition or comparison of "The two methods of governing India," will be grievously disappointed. The fact is that both titles are simply misnomers, and the difficulty of suggesting one more appropriate can scarcely justify their adoption. The book is no more than a very imperfect sketch of the present machinery of Indian government, interspersed with personal notices of some of the leading public characters, with whom the author became acquainted while serving Lord Elgin in the capacity of Private Secretary in this country. Though grossly inaccurate in many details, we are nevertheless of opinion that the work may prove useful in England in helping to dispel that cloud of ignorance which envelopes all that relates to India. And therefore while warning the English public not to trust too blindly to an imperfect and inaccurate guide, we still think there is much valuable information to be derived from this volume regarding the manner in which the government of this vast empire is conducted.

In his sketches of living statesmen, Mr. Thurlow is, if possible, even less happy. A Private Secretary, over and above the power of patronage, which, according to our author, is entrusted to his hands, has peculiar facilities for observing and recording the individual characters and opinions of those with whom he is brought into communication. And of all others, therefore, a Private Secretary might be expected to pourtray with some sort of accuracy the leading public men of his day. But in the present instance Mr. Thurlow has utterly failed. His short residence in India has not sufficed to make him better acquainted with her statesmen than he evidently is with the course of Indian history. His portraits in fact will at once be rejected by the public as libels and caricatures; and even those of whom he has spoken most favourably will hesitate before they thank him for having done so. The sketches are drawn by an inexperienced hand, and we are reluctantly forced to the conclusion that the author, bent on making a noise in the world, has sacrificed the interests of truth to the excitement of rhetorical clap-trap. As an instance of Mr. Thurlow's style, we shall quote his opening remarks on "the Lieutenant Government of Bengal, subordinate to the Governor-General in the Home Department." It will be seen that no attempt is made to conceal the author's opinion as to the evil of the comparative independence enjoyed by the Bengal Government; but it is

more difficult to understand in what respects he would wish to see its power and responsibility curtailed. The Bengal Government has undoubtedly committed mistakes, but the greatest of these, the Bhootan Mission, was approved and sanctioned by Lord Elgin himself. And if, as the author would seem to admit, it is only when that Government has over-stepped the legitimate functions of its proper province, and sought to embroil itself in frontier disputes, that its operations have lacked the success which has certainly till lately attended its internal administration, it is obvious that the checks already in existence are sufficient, and no necessity exists for imposing fresh shackles on the freedom of its action. "To Lord Dalhousie's annexations and protracted absence from Calcutta was owing the establishment of a separate Bengal Government; his object being to provide for the administration of the Lower Provinces, without reference to himself, that he might devote his energies to perfecting the non-regulation system in the Punjab and other recent acquisitions. The result was that an excessive measure of responsibility and power was dealt out to Bengal, and it has been said that Lord Dalhousie himself regretted, lately, the extent of independence granted. In the framing of the Bengal Statutes, however, a careful clause had been inserted, by which the Governor-General should have the power at any time of re-defining the position of that Government and reassuming patronage as experience might dictate. Now patronage is power, and from the moment that Bengal acquired control over all the members of her Civil Service, the Governor-General became throughout those provinces an institution to which men no longer looked for honours and promotion. Although Lord Dalhousie and his successors fully felt the mischief of this system, it has happened that circumstances have hitherto prevented any practical advantage being taken of the saving clause above referred to. Lord Dalhousie doubtless did not like so soon to cancel or revise a measure of his own. Lord Canning cared, personally, little for dispensing patronage, and without previous experience in Government, it took a Governor-General some time before he awoke to the consciousness that his customs' duties were collected by another, and that even his 'Gazette' was printed in a Bengal Office, over which he exercised no direct control. Then came years of struggling for bare existence, when Lord Canning's hands were full, and then a time when men were willing to be satisfied with life and peace at almost any price; and shortly after came

"Lord Elgin with rumours of a change of seat of Government, which embarrassed him still more than other causes had his predecessors." So the evil is but skin-deep after all. Lord Elgin and his Private Secretary forsooth could illbrook that "honours and promotion" should be looked for elsewhere than at their hands.

A Hand-book of Sanscrit Literature. By George Small, M.A.
London: Williams and Norgate.

THE competition for the Civil Service of India bids fair to produce a literature of its own. A clever writer has described the literary apparatus of a *coach* who undertakes to prepare pupils for the ordinary examination at Cambridge, as consisting of "all human knowledge reduced, like portable soup, to a small compass." The same necessity for passing an examination with the least possible amount of exertion on the part of the examiner, would seem to have produced this little work. As the author, in his preface, carefully disclaims all originality, it is best to consider the book simply as what it professes to be, "a competition not a composition;" and we think that most people will agree that the author has made a very creditable use of his materials. That the materials for a Hand-book of Sanscrit literature are not numerous, will be evident to any one who looks through the list of authorities which Mr. Small has given in his preface. Further on, he lets fall hints which show that he does not consider himself in a position to give a satisfactory account of the earlier literature of India. But no exception can be taken to his summary of the results at present arrived at.

The work is divided into three parts, the first being devoted to a review of the Religious Literature of the Hindus: the second treating of Philosophical Literature; and the third of Poetical Miscellaneous Literature. Subjoined are two appendices, one on Hindu Mythology, and one on castes and religious sects. Mr. Small follows Max Müller in dividing the Vedic age into four periods: his account of the contents of the Vedas, as far as they are known to Europeans, is clear and concise. The meaning of the Sanscrit words is explained, and the Sanscrit original given in brackets.

Mr. Small's account of the Philosophical Literature seems to us the best part of his book. In this he professes himself to be indebted to Ward on the Hindus, and Dr. Ballantyne. He does not mention the (in our opinion) infinitely more readable essay of Dr. Mullens on the same subject. But we

are glad to bear witness, that on comparing Mr. Small's account of the three principal systems with that of Dr. Ballantyne, we find that some order at any rate has been educed out of chaos. Whether Mr. Small's clearness is calculated to mislead or not, we feel ourselves scarcely competent to decide; Dr. Ballantyne, we feel quite sure, would never mislead us, for we cannot understand him. But this may arise partly from Dr. Ballantyne's having been compelled by the circumstances under which his treatise was written, to take a polemical attitude with respect to Hindu Philosophy. In his refutation of those "obscure doctors" he seems to have caught a slight afflatus of the true Brahminical spirit. He is evidently not inclined to be left behind in the race for the prize of utter unintelligibility. This makes his work far less valuable to the English student, (whose previous knowledge of the subject matter cannot be presumed to be extensive), than the known condition of the author would have led us to expect.

When Mr. Small comes to the great epic poems of India, he evidently feels that he is treading on firmer ground, though he never loses sight of his great guide Max Müller. In common with the majority of Sanscrit scholars he considers the Ramayana as older than the Mahabharata, which some have nevertheless held to contain pictures of an older state of society. But more light will, no doubt, ere long, be thrown on this subject by students of Indian antiquities both here and in Europe. Mr. Small has given a brief *resumé* of the subjects of the principal Sanscrit poems, and an account of some of the translations and editions of them which have appeared in England and India. This, as well as the appendix on Hindu castes and sects, is no doubt calculated to be of great service to the class for whom the book is professedly written.

Mr. Small's outline of Hindu Mythology is marred by unintelligible reference to classical deities. The good sense, which has prevented him from digressing into historical parallels throughout the rest of his work, seems to have deserted him here. For instance, we are told that Durga combines the characteristics of Minerva, Pallas, and Juno. Are we to understand by Minerva the Latian goddess of memory, or consider the name simply as a synonyme for Pallas? Besides, it is hard to find in Durga much resemblance to any of the three, except perhaps Pallas. It would have been better if Mr. Small had given some of Max Müller's more probable speculations in the field of comparative Mythology. But the time for any exhaustive treatise on the subject has not yet arrived, though no doubt, thanks to the industry of German scholars, it is not far distant.

Moreover, it seems to us to be desirable for the general reading public who have not to go in for examinations, and are occasionally in want of information of these topics, that it should be arranged in the form of a Dictionary, on the plan of Dr. Smith's Dictionary of Greek and Roman Antiquities. It may be very useful for examination purposes to get up in a week a book like Mr. Small's, (which by the way is not provided with an index,) but the general reader, as well as the student, usually prefers the knowledge in a less condensed form; and an article in a Dictionary supplies the wants of both classes after a fashion which the meagre abstract is wholly incapable of attaining. Besides, even the aspirant to the Indian Civil Service, who makes nothing of acquiring a science before breakfast, is not above devoting a few minutes to selected articles in Wilson's Glossary and Thornton's Gazetteer. On the whole, as the learned Vice Chancellor of the University of Calcutta has shown that the principle of cramming has a great future before it, and as the fatted turkey is destined to take the place of the soaring eagle as the stereotyped poetic expression for the man of transcendent intellect, we may congratulate Mr. Small on having contributed a very promising homœopathic stimulus to the cause of enlightenment and progress.

The History of India during the Hindu and Mahomedan Periods, by the Hon. Mountstuart Elphinstone with Notes and Additions.
By E. B. Cowell, M.A., Late Principal of the Hindu College, Calcutta. London, John Murray.

MR. ELPHINSTONE'S History of India is, as far as we know, the only English work that gives a detailed account of the fortunes of the country during the Hindu and Mahometan periods. This, joined with the fact that it is used as a text book by the University of Calcutta, has probably induced Mr. Cowell to publish it with notes and additions. Indeed, the editor seems to have had in view native rather than European readers. For although, as he observes, there are few authentic facts in ancient Hindu history, and most of these are clearly stated by Mr. Elphinstone, still a picture of ancient Hindu life and manners, materials for which the old epics would supply, is for Englishmen, at any rate, a desideratum. But Mr. Cowell seems to have thought, and no doubt wisely, that for native readers this would be of little service. He has confined himself, with regard to the Hindu period, to giving some additional information in appendices, principally

on points on which the progress of the study of Sanscrit and Comparative Grammar has thrown a new light.

Mr. Elphinstone's History has always seemed to us to be too unmethodical, too like a concatenation of note books, to be destined to be of lasting use. The best point of the book we consider to be his life-like description of the customs of the modern Hindoo, and of the Mahratta nation, and their mode of fighting. This is, of course, to be attributed to his intimate acquaintance with that section of the inhabitants of India. To use the expressive words of Gibbon, "He saw them and we see them." We should have thought that in his account of the Mahometan period, he has attached too much importance to mere dynastic revolutions, and too little to the changes which have taken place in the manners and religion of the mass of the people. This is, of course, the old way of writing history, and the conception of a scientific study of history has even now, like all new ideas, to struggle with a good deal of opposition. But Mr. Cowell thinks that Mr. Elphinstone "in his clear despatch-like narrative of the Mahometan period" has rivalled Mr. Grote, and that he has shown his ability particularly in unravelling the endless details which render Asiatic History so confused and difficult. Indeed, the editor has appended in his notes some further details on these points which we should have thought unnecessary, and if it were not that the known familiarity of the editor with his subject renders such a suggestion almost presumptuous on our part, we should have conceived that he would have done better to confine himself to the correction of obvious mistakes in the text of Elphinstone's Mahometan period, and not to have taken so much trouble about the "endless genealogies" in which Orientals are so prone to indulge.

One of the principal defects in Mr. Elphinstone's work is his ignorance of the true relation of the original Hindu tribes to the other Indo-European nations and the aboriginal inhabitants of India. Indeed, Mr. Elphinstone disposes of the Indo-European theory of languages by asking "where could the central point have been from which a language could spread over India, Greece and Italy; and yet leave Chaldæa, Arabia, and Syria untouched." To this the editor replies: "Of course, we cannot answer this question, in our utter ignorance of the causes or course of these ancient currents of migration. We have here the two great streams of the Semitic and Aryan tribes, which Providence undoubtedly did keep distinct in the ancient world, as indeed seems symbolized by the very languages in which the Old and New Testaments

"are written." By what particular series of events the distinction was originally produced and maintained, we cannot determine; but we see plainly that Jewish, Chaldean, and Arabian civilizations did in the main run their own career, just as much as those of ancient India, Greece, and Rome. Nor is it, perhaps, unreasonable to guess that the mountain chain of the Caucasus may have interposed a barrier to the southern advance of the Aryan tribes, just as it did to the Cimmerian fugitives of Herodotus; and similarly the Tartar invaders of more modern times have passed onward into Europe through Persia and Armenia, and generally left Palestine and Arabia untouched." With regard to Mr. Elphinstone's other objection, that "nowhere in Manu's code or the Vedas do we find any allusion to a prior residence, or to a knowledge of more than the name of any country out of India," the Editor remarks: "Could not the same be said of the ancient Greeks, if we only substitute Homer and Hesiod for the Vedas and Manu?" In this appendix it is clearly shown that there is an immense probability in favour of the twice born tribes being the conquerors, and the Sûdras the conquered race. Indeed, as the editor remarks, the *onus probandi* lies with those who maintain a theory so utterly at variance with all general rules as that favoured by Elphinstone. The parallel case which he adduces from Grecian history in reality militates against him. But it is impossible to abridge Mr. Cowell's concise and to us convincing arguments. He has also stated some facts calculated to do away with a misapprehension very prevalent among the natives of this country, that Sanscrit is the parent of the other Indo-European languages. It has been long ago demonstrated to be the elder sister. This is illustrated in the work before us by a few Latin words which will be familiar to the educated natives of this country.

Mr. Cowell's account of the Vedas and the Vaidik literature is a necessary supplement to Mr. Elphinstone's history, but the subject is of course not to be exhausted in a brief appendix. Mr. Elphinstone considers that Manu's code was compiled about 900 B.C, but the present editor thinks that the third century is nearer to the truth. The most interesting perhaps of all Mr. Cowell's additions is the abstract which he gives of the travels of Hiouen Tshang, which have been translated by M. Stanislas Julien. "Hiouen Tshang was an ardent student of Buddhist philosophy in several monasteries in China, until at last in the year 629, when twenty-six years of age, he conceived the design of seeking in India the solution of the various doubts which possessed his mind, and which none of the Chinese

"sages could resolve." It is easy to understand how important must be the travels of a man who visited India before Buddhism had been supplanted by a Brahmanic revival. To use the editor's words, "they are our only stepping-stone through a thousand years of fable." It is amusing too to observe that the Buddhist traveller finds that the Brahman priests too are no match in disputation for those of his own creed. Indeed, the secular arm appears not unfrequently to have been enlisted on the Buddhist side.

We have been unable to find any very important additions which have been made to Elphinstone's Mahometan period. Most of the notes are either mere corrections of the text, or notices of dynasties. For instance on the words "Jeipál raja of Lahore" Mr. Cowell observes; (Page 321 note 22) "We learn from Albiruni that a dynasty of Hindu kings reigned in Kábul during the tenth century. A Brahman named Samand was one of the first. Some of his successors seem to have been Rajputs, and to have possessed Láhór as well as Kábul. Jaipál and his son Anangapál were in all probability Rajput kings of Delhi, who had annexed Láhór to their dominions after Kábul was seized by the Muhammadans." Oriental scholars will observe with pleasure that the system of spelling adopted by Mr. Elphinstone has been rendered considerably more uniform and intelligible.

Mr. Cowell is especially shocked at the want of "true historical sense" displayed by the Hindoos; and considers the Muhammadan historians not merely relatively but absolutely good. Indeed he remarks in a note at the beginning of Book VIII, "The entire Hindu period of Elphinstone's history corresponds only (*sic*) to this eighth book of the Muhammadan. So widely do the two periods differ from each other in all that constitutes historical value." This may be, but we must confess Mr. Elphinstone's Vth and VIth books forcibly remind us of an expression of Gibbon's at the end of his XLVIIIth chapter in which he reviews the reigns of no less than sixty Byzantine Emperors. "Our immortal reason disdains the sixty phantoms of kings, who have passed before our eyes, and faintly dwell in our remembrance."

It is obvious from the quotations which we have made, that this edition of Elphinstone contains nothing which tends materially to alter the character of the book. Indeed, the editor does not appear to have had any other object in view than to improve a text book, which he has found by experience to be admirably adapted for the instruction of Hindoo students. In this he has no doubt succeeded. We can only express a hope

that he may some day show the world a picture of ancient Hindu life and manners,—an undertaking for which he is universally allowed to be eminently qualified.

Reminiscences of a Bengal Civilian. By William Edwards Esq., Judge of Her Majesty's High Court of Agra. London, Smith Elder and Co. 1866.

MR. EDWARDS tells us in his preface, that throughout his career in India, he has kept notes of all interesting events as they occurred, with the intention of ultimately composing a narrative of his own time. We need only mention that Mr. Edwards arrived in this country during the Governor-Generalship of Lord Auckland, and was employed during the greater part of his career in the Punjab and the North-Western Provinces, to show that the history of British India has sustained a great loss by the destruction of his manuscripts in the mutiny of 1857. What remains consists of some notes of an overland journey to India in 1837, an account of his adventures during the Rebellion, published in 1859, and some reflections on the Indian Rebellion, previously printed for private circulation. The rest of the narrative has been filled up from memory. The best proof of the interest which the previous work awakened is, that four editions of it were exhausted in the course of a year. M. Forgues in his "*Revolte des Cipayes*" has drawn largely from this "touching narrative," and bears testimony in his most graceful manner to the "matter-of-fact reality" and sound practical sense which characterize it.

The reader will turn with interest to the XXth Chapter, in which the author states his own views as to the causes of the insurrection. He proceeds first to deal with the condition of the native army, which had for many reasons become disaffected. These he enumerates as the weakening of the authority of the regimental officers; stoppage of higher rates of pay for service beyond the Sutlej when the Punjab was annexed; and the depriving the soldiers of certain privileges, such as having their letters franked, and making petitions on unstamped paper. The smouldering discontent burst into flame when the famous report of the greased cartridges was spread,—a fabrication which Mr. Edwards considers as the immediate and most powerful cause of the revolt. Disagreeable as it seems to our pride, Mr. Edwards does not hesitate to declare his belief that the mass of the population in the North-Western Provinces sympathized with the insurgents. This he

attributes principally to the fact that a feeling of nationality had sprung up in India, which centred in the king of Delhi, whom we had treated with such impolitic kindness. That the gravity of the crisis was not at once perceived, was due to the fact that the officers who constituted the Government, having resided at Calcutta for the last ten or fifteen years, were utterly ignorant of the feelings of natives in the interior of the country.

Another cause, which made the North-Western Provinces a focus of disaffection, was the Revenue system introduced within the last thirty years. Though this is by many looked upon as an unmixed good, it has, in the opinion of the author, completely alienated from us the minds of the people. The effects of it have been the destruction of the ancient proprietary body, and the impoverishment of the tenants themselves. On this subject we cannot help quoting Mr. Edwards's remarks, which coincide with the views pretty uniformly maintained by the press of this country. "We have acted upon the principle, in our revenue administration, that there is a necessary antagonism between landlord and tenant in India, and that to save the latter from destruction, it is necessary to interfere to limit the lord's demands, and to make the one entirely independent of the other. This has always appeared to me an erroneous course to adopt. The dealer in land everywhere is very much in the position of every other dealer in any other commodity, and it is his advantage to deal well and fairly by his customers; and for Government to interfere between the two is to put in a position of antagonism two parties naturally dependent on each other. But in India this bond of union was formerly strengthened by the existence of very ancient rules and records, that prescribed well-known rates in ordinary times, and effectual relief in seasons of difficulty."

Mr. Edwards thinks that the spread of education and the progress of material improvements will only tend to unite the natives of India, Hindu and Mahometans alike, in a feeling of hostility to the conquering race. This is the comfortless picture which he draws of the probable future of India. "The stability of our empire can only be secured by the presence, in imposing strength, in salient positions, of an army, differing from the nations of India in language, country, customs, and associations." But he considers that great benefits may be derived from enlisting native soldiers for British and Colonial Service.

Those who differ with the author on many points will perceive from the extracts which we have made, that there are many

thoughts in this chapter worthy of consideration; more than it has been our lot to meet with in longer and more pretentious treatises. Mr. Edwards's account of his journey to Bombay through Egypt, undertaken to test the practicability of the route for mails and passengers, will no doubt, be thought by some, not the least interesting part of the book.
